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TOWN OF DEDHAM
JAN 06 2015
A.M. TOWN
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TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS
DECISION

2015 JAN - 6 PM 2:18

APPLICANT:	George F. Wons
PROJECT ADDRESS:	9-11 Hooper Road, Dedham, MA
CASE #	VAR-10-14-1898
PROPERTY OWNER/ADDRESS:	George F. Wons, 425 Sprague Street, Dedham, MA
MAP/LOT AND ZONING DISTRICT:	170/26, Local Business
DATE OF APPLICATION:	October 20, 2014
MEMBERS PRESENT AND VOTING:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jessica L. Porter
PETITION:	To be allowed a Special Permit to construct a 36± x 51.4 square foot two-family duplex style house on a lot containing approximately 12,366 square feet in a local business zone and in the Aquifer Protection Overlay District
SECTION OF ZONING BYLAW:	Section 3.1.6 Principal Use Regulations, 9.3.1 Special Permit Granting Authority, 8.2.5 Aquifer Protection Overlay District Permitted Uses, and MGL Ch. 40, Sec. 9
REPRESENTATIVE:	Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA
DATE FILED WITH TOWN CLERK:	JANUARY 6, 2015

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held public hearings on Wednesday, December 3, 2014, commencing at 7:00 p.m. 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, and E. Patrick Maguire, LEED AP.

Member Jason L. Mammone, P.E., was unable to attend the meeting. The Chair appointed Associate Member Jessica L. Porter to sit in his stead. These hearings and meeting of the ZBA were duly advertised 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).

At 7:05 p.m., the Chairman called for the hearing on the appeal of George F. Wons (hereinafter referred to as "Applicant"), 425 Sprague Street, Dedham, MA. The Applicant is seeking a special permit to be allowed a Special Permit to construct a 36± x 51.4 square foot two-family duplex style house on a vacant lot containing approximately 12,366 square feet in a local business zone and in the Aquifer Protection Overlay District. *Dedham Zoning By-Law Sections 3.1.6 Principal Use Regulations, 9.3.1 Special Permit Granting Authority, 8.2.5 Aquifer Protection Overlay District Permitted Uses, and MGL Ch. 40, Sec. 9*

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 plans, documents, studies, etc. referred to are incorporated as part of the public record and are on file in the Planning and Zoning office.

The subject property is known and numbered as 9-11 Hooper Road, Dedham, MA, and is shown on Dedham Assessors' Map 170, Lot 26. The certified plot plan indicates that the Subject Property contains approximately 12,366 square feet of land and has 100 feet of frontage on Hooper Road, 75 feet on Louise Road, and 39.56 feet on the corner of the lot. According to the Dedham Zoning Map, the Subject Property is located in the Local Business zoning district. Currently, the property is vacant.

Mr. Wons has owned this property since 1983. He has cement barriers in front of the store to protect against liability issues. He intends to remove these when he constructs the house and will erect a fence along Louise Road. Construction of the house will benefit the Town from a tax standpoint. There will be no traffic issues or detrimental effects, and the neighborhood will likely be in favor of the project. Because the property is in the Local Business zoning district, a

Special Permit is required to build a two-family duplex style house. In addition, part of the property is in the Aquifer Protection Overlay District and no more than 25% of the lot can be impervious.

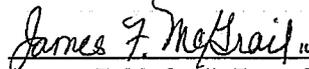
Mr. Maguire said that, aesthetically, the side of the house is too plain, and suggested adding a couple of windows. James Maher, 22 Sherman Road, said he is in favor of the construction, but asked the Board to make a condition of approval that he remove the barriers within 90 days. He complained that they are an eyesore, and trash builds up in back of them. Mr. Hampe said there is a concern regarding the time limit because Mr. Wons may not be able to obtain financing and a construction company may not be in place. In addition, the 90 days brings them to February, and it is difficult to build during that month. He asked for six months instead of 90 days. Mr. Maher stated that he wants the barriers gone now, and would not agree to six months from the approval date. Mr. Jacobsen said it was not fair to set an arbitrary set a date. Mr. McGrail said that the development is welcome. The Applicant is more comfortable with 180 days. Mr. Wons said he tries to take care of the trash, but he is caretaker to a 101-year-old mother, and it is difficult for him to do everything. He said he is doing the best he can, and he would like it done as soon as possible as well. Mr. McGrail stated that the Applicant will have six months to remove the barriers.

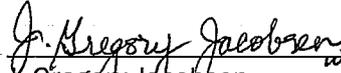
DECISION

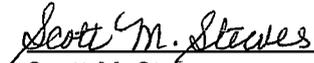
Upon motion duly made by Scott M. Steeves and seconded by E. Patrick Maguire, LEED AP, the ZBA voted unanimously to grant a special permit to construct a 36± x 51.4 square foot two-family duplex style house on a lot containing approximately 12,366 square feet in the Local Business zoning district and the Aquifer Protection Overlay District, with the requirement that the jersey barriers be removed within 180 days of the decision and the expiration of all appeal periods.

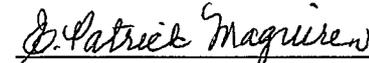
The Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, no special permit shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal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

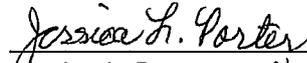
Dated: December 3, 2014


James F. McGrail, Esq., Chairman


J. Gregory Jacobsen


Scott M. Steeves


E. Patrick Maguire, LEED AP


Jessica L. Porter

Attest, by the Administrative Assistant:


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:

- ZBA application
- Petition statement written by Kevin F. Hampe, Esq.
- Quitclaim Deed dated December 20, 1983
- Map of location
- Photograph of proposed house
- Elevations of proposed house