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Scott M. Steeves
E. Patrick Maguire
Jason L. Mammone, P.E.
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TOWN OF DEDHAM
Commonwealth of Massachusetts



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ZONING BOARD OF APPEALS
26 Bryant Street
Dedham, Massachusetts 02026

OCT 04 2011

DECISION

Case # VAR-08-11-1425
Applicant: Theresa Feeney
Address: 147 Harding Terrace, Dedham, MA
Map/Lot/Zoning District: 98/84, SRB District
Date of Hearing: September 21, 2011
Date of Filing: October 4, 2011

The Town of Dedham, Massachusetts Zoning Board of Appeals (hereinafter, "ZBA") held Public Hearings on Wednesday, September 21, 2011, in the Selectmen's Chambers, Town Hall, 26 Bryant Street, Dedham, MA. Present were members of the Zoning Board of Appeals James F. McGrail, Esq., Chairman, J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, and Jason L. Mammone, P.E. The public hearings for this meeting of the ZBA were duly advertised on September 2, 2011, and September 9, 2011, in the *Dedham Times* in accordance with the requirements of G.L.c. 40A, § 11. The ZBA meeting notice was duly posted in accordance with the provisions of G.L.c. 39, § 23A, as amended.

At 7:58 p.m. on Wednesday, September 21, 2011, the Chairman called for the hearing on the petition of Theresa Feeney ("Applicant") to be allowed to construct a garage with a four (4) foot front yard setback instead of the required 25 feet, and a two-foot distance between the house and the garage. The property is located at 147 Harding Terrace, Dedham, MA, and is in a Single Residence B zoning district. *Town of Dedham Zoning By-Law Section 4.1, Table of Dimensional Requirements.*

The Applicant was represented by her son, James Feeney. He submitted the following materials to the Zoning Board of Appeals:

- Zoning Board of Appeals application, request for abutters list, and authorization form for publication in *The Dedham Times*
- Certified plot plan for 147 Harding Terrace prepared by Michael Paul Antonino, Registered Land Surveyor, 31 Ledgebrook Avenue, Stoughton, MA

The one-page transcript from the hearing is the primary source of evidence and is incorporated herein by reference.

Mr. Feeney explained that his mother is elderly and disabled, and would like to be able to enter her car without shoveling. The proposed garage would be located on the existing driveway, and would measure 12' x 8'. Construction would be pre-fab, one-story, and simple in design so that the car will be covered. The distance between the house and the garage would be two feet.

No one appeared before the Board either in favor of or opposed to the petition.

On a motion made by J. Gregory Jacobsen and seconded by Scott M. Steeves, the Zoning Board of Appeals voted unanimously (5-0) to approve a front yard setback of four (4) feet and space between buildings of two (2) feet. The Zoning Board of Appeals was of the opinion that the Applicant meets the requirements of MGL Chapter 40A, Section 10, specifically that she 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.

The applicant is advised that no building permit or variance will become effective until twenty (20) days have elapsed from the date of filing of this decision with the Dedham Town Clerk. The Applicant is also advised to file this decision in the Norfolk County Registry of Deeds. The Dedham Building Department will not issue a building permit without evidence of this decision on file at the Norfolk Registry of Deeds. In addition, the Applicant should furnish the Zoning Board of Appeals with a receipt from the Registry of Deeds indicating that the decision has been filed.

Date: October 4, 2011

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