

TOWN OF DEDHAM
ZONING BOARD OF APPEALS
26 BRYANT STREET, DEDHAM, MASSACHUSETTS 02026



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PHONE 781-751-9242 • FAX 781-751-9225 • swebster@dedham-ma.gov

DECISION

APPLICANT: Joseph G. Welch
PROJECT ADDRESS: 19 Locust Street
PROPERTY OWNER: Joseph and Michelle Welch
CASE #: VAR-05-12-1529
MAP/LOT: 156/6
ZONING DISTRICT: Single Residence B

DATE OF APPLICATION: March 23, 2012 (received May 16, 2012)
DATE OF HEARING: June 13, 2012
MEMBERS PRESENT AND VOTING: James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E.

APPLICANT REPRESENTATIVE: Joseph G. Welch
PETITION: To be allowed a variance for a 5.4 foot side yard setback instead of the required ten (10) feet to construct a shed dormer off the rear of an existing Cape style house with no change in the footprint of the dwelling.

SECTION OF ZONING BY-LAW: *Town of Dedham Zoning By-Law Section 4.1, Table of Dimensional Requirements.*

MATERIALS SUBMITTED:

- ZBA application
- Statement by applicant
- Certified plot plan prepared by Bradley J. Simonelli, Professional Land Surveyor, Field Resources, Inc., 281 Chestnut Street, Needham, MA 02492
- Drawing of proposed roofline

DATE OF FILING WITH TOWN CLERK: June 26, 2012

The Zoning Board of Appeals (“ZBA”) of the Town of Dedham, Massachusetts, held public hearings on Wednesday, June 13, 2012, 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, 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 7:43 p.m., the Chairman called for the hearing on the petition of Joseph G. Welch, 19 Locust Street, Dedham, MA. The Applicant seeks to be allowed a variance for a 5.4 foot side yard setback instead of the required ten (10) feet to construct a shed dormer off the rear of an existing Cape style house with no change in the footprint of the dwelling.

The one-and-one-quarter page minutes from the hearing are the primary source of evidence and are incorporated herein by reference.

The subject property is known and numbered as 19 Locust Street, and is shown on Dedham Assessors’ Map 156, Lot 6. The certified plot plan indicates that the Subject Property contains 6,250 square feet of land and has 50 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 1963.

The Applicant proposes to add a shed dormer to the back of his house in order to construct a bedroom and a bathroom. The footprint of the house will remain the same. The Applicant states that his direct neighbors are in support of his petition.

No one appeared before the Board to either oppose or support the application.

On a motion made by E. Patrick Maguire, LEED AP and seconded by Scott M. Steeves, the Zoning Board of Appeals voted unanimously (5-0) to grant a variance for a 5.4 foot side yard setback instead of the required ten (10) feet to construct a shed dormer off the rear of an existing Cape style house with no change in the footprint of the dwelling.

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 special permits, 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 is advised that, in accordance with MGL Chapter 40A, Section 11, a copy of this decision bearing the certification of the Dedham Town Clerk that twenty (20) days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that has been filed within such time shall be recorded in the Norfolk County Registry of Deeds or the Land Registration Office of Norfolk County. Applicant is further advised that no waivers/variance will be issued by the Building Department until evidence is presented that this decision has been

recorded in the Norfolk County Registry of Deeds. The Applicant should furnish the Zoning Board of Appeals with a receipt from the Registry of Deeds indicating that the decision has been filed.

Dated: June 26, 2012

James F. McGrail, Esq.

J. Gregory Jacobsen

Scott M. Steeves

E. Patrick Maguire, LEED AP

Jason L. Mammone, P.E.