

James F. McGrail, Esq., Chairman
J. Gregory Jacobsen
Scott M. Steeves
E. Patrick Maguire
Jason L. Mammone, P.E.
JH Rumpp, Alternate
Jessica L. Porter, Alternate

TOWN OF DEDHAM
Commonwealth of Massachusetts



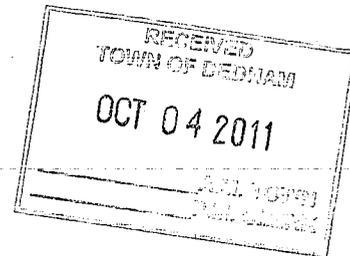
Susan N. Webster
Administrative Assistant

(781) 751-9242
Fax (781) 751-9109
swebster@dedham-ma.gov

ZONING BOARD OF APPEALS
26 Bryant Street
Dedham, Massachusetts 02026

DECISION

Case # VAR-08-11-1240
Applicant: Jesse L. and Ann G. Stanesa
Address: 1 Woodleigh Road, Dedham, MA
Map/Lot: 126/13, SRB District
Date of Hearing: September 21, 2011
Date of Filing: October 4, 2011



The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held a public hearing on Wednesday, September 21, 2011, at 7:00 p.m. in the Town Office Building, 26 Bryant Street, Dedham, MA. Present at the hearings were members of the ZBA, James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, and Jason L. Mammone, P.E. In their absence of Member E. Patrick Maguire, the Chair appointed Jessica L. Porter to sit in his place. The hearings and meetings of the ZBA were duly advertised in accordance with the requirements of MGL Chapter 40A, Section 11.

At 8:38 p.m. on Wednesday, September 21, 2011, the Chairman called for the hearing on the request of Jesse L. and Ann G. Stanesa for such Special Permits and/or variances as necessary for the construction of a 700 square foot addition to an existing dwelling at 1 Woodleigh Road, Dedham, MA with a side yard setback of five (5) feet instead of the required ten (10) feet. *Town of Dedham Zoning By-Law Table 1 (I.6), Table 2, Section 7.7, Section 9.2, and Section 9.3.*

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

The Applicant presented the following information to the Board:

- Zoning Board of Appeals application, request for abutters list, and authorization form for publication in *The Dedham Times*
- Renderings of the existing and proposed addition prepared by Edward F. Stanesa, Architect, 286 Congress Street, Boston, MA
- Certified plot plan prepared by Norwood Engineering Co., Inc., 1410 Route One, Norwood, MA

The Applicants are seeking the Special Permit and variance to construct an in-law apartment for their elderly parents. The addition would be 700 square feet in size and will connect to the existing house. It will mirror the previous addition in architectural detail. They have met with neighbors and there have been no objections to the proposal.

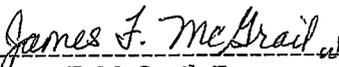
No one appeared before the Board to object to the petition. Stephen Clifford of 348 Mt. Vernon Street appeared and expressed support.

Upon motion duly made by Scott M. Steeves and seconded by Jason L. Mammone, P.E., the ZBA voted unanimously to grant the requested special permit to construct an in-law apartment at 1 Woodleigh Road, and to allow a five (5) foot side setback instead of the required ten (10) feet. In granting said special permit, the ZBA, based upon the testimony before the ZBA and after consideration of the various factors set forth in the Dedham Zoning By-Law, finds that the proposal satisfies the criteria

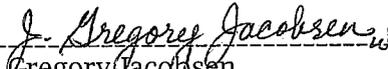
and standards for a special permit in Chapter 40A, Section 9, to wit: that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or neighborhood. The Zoning Board of Appeals was also of the opinion that the Applicant meets the requirements of MGL Chapter 40A, Section 10, specifically that they 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.

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.

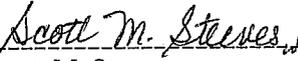
Dated: October 4, 2011



James F. McGrail, Esq.



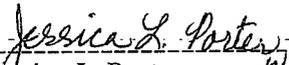
J. Gregory Jacobsen



Scott M. Steeves



Jason L. Mammone, P.E.



Jessica L. Porter