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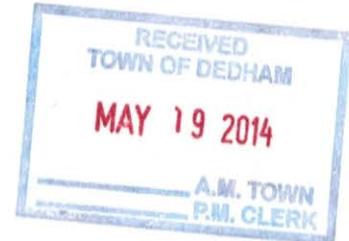
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TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS
ZONING BOARD OF APPEALS
DECISION



APPLICANT:	Federico Realty Trust & 1100 Realty, LLC
PROJECT ADDRESS:	1039 East Street, Dedham, MA
CASE #	VAR-03-14-1808
PROPERTY OWNER/ADDRESS:	Federico Realty Trust & 1100 Realty, LLC, 1039 East Street, Dedham, MA
MAP/LOT AND ZONING DISTRICT:	178/98A, Research, Development, and Office
DATE OF APPLICATION:	March 6, 2014
MEMBERS PRESENT AND VOTING:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E.
PETITION:	To be allowed a Special Permit to extend and alter a nonconforming use by the construction of a 7,000 square foot free-standing accessory use building for storage of construction equipment in an RDO zoning district
SECTION OF ZONING BYLAW:	<i>Town of Dedham Zoning Bylaw Sections 3.3.2, 3.3.3, MGLA Ch. 40A § 9</i>
REPRESENTATIVE:	Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA
DATE FILED WITH TOWN CLERK:	MAY 19, 2014

The Zoning Board of Appeals ("Zoning Board of Appeals") of the Town of Dedham, Massachusetts, held public hearings on Wednesday, April 16, 2014, in the Town of Dedham Office Building, 26 Bryant Street, Dedham, MA. Present were members of the Zoning Board of Appeals, 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.

At 7:20 p.m., the Chairman called for the hearing on the petition of Federico Realty Trust and 1100 Realty, LLC (hereinafter referred to as the "Applicant"), 1039 East 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 1039 East Street, Dedham, MA, and is shown on Dedham Assessors' Map 178, Lot 98A and Lot 107. The certified plot plan indicates that the Subject Property contains of four acres of Land has 27.05 feet of frontage in the form of a driveway. According to the Dedham Zoning Map, the Subject Property is located in the Research, Development, and Office zoning district. Currently, the property is occupied by service shop. According to the records maintained by the Dedham Board of Assessors, the dwelling was constructed in 1966.

The Applicant seeks to be allowed a Special Permit to extend and alter a nonconforming use by the construction of a 7,000 square foot free-standing accessory use building for storage of construction equipment in an RDO zoning district. *Town of Dedham Zoning Bylaw Sections 3.3.2, 3.3.3, MGLA Ch. 40A § 9*

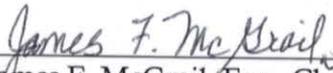
Mr. Hampe stated that Mr. Federico owns the property and uses it as his construction company headquarters. He explained that to get to the headquarters, vehicles need to go down a long driveway that is bordered by a fence. This driveway is used by construction equipment and trailers that carry construction materials. Mr. Federico is asking to be allowed a Special Permit to construct a 7,000 square foot single story building immediately behind the existing building to house storage equipment and trucks. The property is in the RDO zoning district. The use is nonconforming. Mr. Maguire asked how long the garage has been in use, and Mr. Federico said it has been since 1967. The reason for constructing a separate building is that there is only well water, and he does not want to bring water lines in.

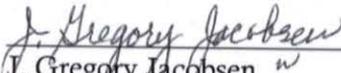
On a motion made by J. Gregory Jacobsen and seconded by Scott M. Steeves, the Zoning Board of Appeals voted unanimously (5-0) to allow a Special Permit to extend and alter a nonconforming use by the construction of a 7,000 square foot free-standing accessory use building for storage of construction equipment at 1039 East Street, Dedham, MA, in an RDO zoning district. The Board was of the opinion that the Applicant meets the requirements of MGL Chapter 40A, Section 9, specifically that the Applicant would incur a hardship if the Special Permit was not granted. There is no detriment to the public good or derogation in the intent of purpose of the bylaw. In granting said special permit, the ZBA finds that, after consideration of the criteria in the Dedham Zoning Bylaw, the adverse effects of the Applicant's proposal will not outweigh its beneficial impacts on the Town and the neighborhood, and will not be substantially more detrimental to the neighborhood.

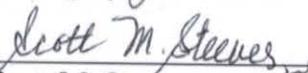
The Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, a copy of this decision bearing the certification of the Dedham Town Clerk that twenty (20) days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that has been filed within such time shall be recorded in the Norfolk County Registry of Deeds or the Land Registration Office of Norfolk County. The Applicant is further advised that no waivers/variances 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: April 16, 2014

Attest, by the Zoning Board of Appeals:


James F. McGrail, Esq., Chairman


J. Gregory Jacobsen


Scott M. Steeves

E. Patrick Maguire
E. Patrick Maguire, LEED AP

Jason L. Mammone
Jason L. Mammone, P.E.

Attest, by the Administrative Assistant:

Susan N. Webster
Susan N. Webster

Copies of this decision are filed in the office of the Dedham Town Clerk. 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/Zoning Department.

Materials Submitted:

- Zoning Board of Appeals application
- Petition statement prepared by Kevin F. Hampe, Esq.
- Addition relocation plan prepared by United Consultants, Inc., 850 Franklin Street, Suite 11D, Wrentham, MA 02093