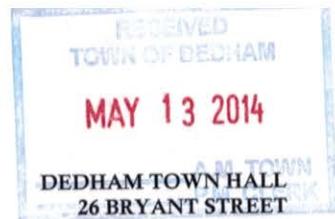


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**TOWN OF DEDHAM**  
**COMMONWEALTH OF MASSACHUSETTS**  
**ZONING BOARD OF APPEALS**  
**DECISION**

<b>APPLICANT:</b>	<b>Joseph B., Robert E., and Paul J. Laughter</b>
<b>PROJECT ADDRESS:</b>	<b>17 Roosevelt Road, Dedham, MA</b>
<b>CASE #</b>	<b>VAR-02-14-1792</b>
<b>PROPERTY OWNER/ADDRESS:</b>	Joseph B., Robert E., and Paul J. Laughter, 17 Roosevelt Road, Dedham, MA
<b>MAP/LOT AND ZONING DISTRICT:</b>	196/26, Single Residence B
<b>DATE OF APPLICATION:</b>	February 18, 2014
<b>MEMBERS PRESENT AND VOTING:</b>	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E.
<b>PETITION:</b>	To be allowed to construct a single family dwelling on a lot with 70 feet of frontage instead of the required 95 feet, 7,000 square feet of total lot area instead of the required 12,500 square feet, and front yard width of 70 feet instead of the required 95 feet
<b>SECTION OF ZONING BYLAW:</b>	<i>Town of Dedham Zoning Bylaw Section 4.1, Table of Dimensional Requirements and MGLA Ch. 40A, §10</i>
<b>REPRESENTATIVE:</b>	Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA
<b>DATE FILED WITH TOWN CLERK:</b>	<b>MAY 14, 2014</b>

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts, held public hearings on Wednesday, March 25, 2014, 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, 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.

At 7:10 p.m., the Chairman called for the hearing on the petition of Joseph B., Robert E., and Paul J. Laughter, (hereinafter referred to as the "Applicants"), 17 Roosevelt Road, Dedham, MA. The Applicants are seeking variances to construct a single family dwelling on a lot having 70 feet of frontage instead of the required 95 feet, 7,000 square feet of total lot area instead of the required 12,500 square feet, and a front yard width of 70 feet instead of the required 95 feet. The property is in a Single Residence B zoning district. *Town of Dedham Zoning Bylaw Section 4.1, Table of Dimensional Requirements and MGLA Ch. 40A, §10*

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 Applicants were represented by Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA.

The subject property is known and numbered as 17 Roosevelt Road, Dedham, MA, and is shown on Dedham Assessors' Map 196, Lot 26. The certified plot plan indicates that the Subject Property (Lot 19) contains 7,000 square feet of land and has 70 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 1950.

Mr. Hampe gave a brief history of the land, which had been bought by the Laughters' parents in 1958 as Lots 19 and 4A. It was thought that Lot 19 fell into the category of the lot size exception of the Town of Dedham Zoning Bylaw. The Building Commissioner, Kenneth R. Cimeno, was consulted, and he said that Lot 19 is not grandfathered and does not come within the lot size exception. The original lots were laid out in 1949 with Lot 19 having 7,500 square feet of land and 75 feet of frontage, which was the minimum requirement for building lots at that time. However, in 1957, the lot was changed when a new plan was recorded, reducing Lot 19 to 70 feet of frontage and 7,000 square feet, which nullified the grandfathering provision.

If the requested variances are approved, the Laughters would build a two-story single family dwelling; copies of the plans were presented to the Board. The style of the house is in

keeping with the other houses in the neighborhood, and the lot size is comparable. The house will be within the allowed setbacks, and they will comply with present day zoning. If the variances are not approved, Mr. Hampe said that it will be a considerable financial hardship for the Laughters.

Stacey Colantuoni, 29 Roosevelt Road, voiced opposition to the petition. She did not expect a home to be built on a nonconforming lot, and had consulted both a lawyer and an engineer. Her house is next door to the property in question, and her lot contains 7,500 square feet. Michael Andrews, 434 Greenlodge Street, an abutter who lives right behind Ms. Colantuoni, was in favor of the petition. Kate Vaughan, 16 Roosevelt Road, was concerned about (1) who would pay for the sewer hook-up if the petition was granted and (2) how long construction would take. Mr. Hampe said the Applicants would pay for the sewer coming down the street, and will restore anything that is disturbed. He anticipated that, if the petition is granted, they would begin construction this spring.

Chairman James F. McGrail suggested that the Applicants attempt to meet with the neighbors again to clarify these issues. J. Gregory Jacobsen made a motion to continue the hearing until April 16, 2014, seconded by E. Patrick Maguire, LEED AP. The vote was unanimous at 5-0.

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts, held public hearings on Wednesday, April 16, 2014, 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, LEED AP, and Jason L. Mammone, P.E. At 7:10 p.m., Mr. McGrail called for the continuation of the hearing regarding 17 Roosevelt Road, Dedham, MA.

Mr. Hampe said that, at the last hearing, neighbors had a lot of questions regarding the plans, the lot, and sewer. They met with them in the hallway after the meeting and explained the plans to all the neighbors. All the neighbors were satisfied except the next-door neighbor, Stacey Colantuoni of 29 Roosevelt Road. They met with her separately and addressed her concerns, and agreed that the following would be included in the decision if the Zoning Board of Appeals approved the relief requested. The conditions are: (1) the driveway for the new house will be put on the opposite side of her house, (2) the Applicants

will install a six foot vinyl fence between the properties, and (3) sewer will be brought down to her house and stubbed off at that location.

No one else appeared before the Board to voice support or opposition to the petition.

Mr. Steeves made a motion to allow variances for the construction of a single family dwelling on a lot with 70 feet of frontage instead of the required 95 feet, 7,000 square feet of total lot area instead of the required 12,500 square feet, and front yard width of 70 feet instead of the required 95 feet with the following conditions: (1) the driveway for the new house will be put on the opposite side of her house, (2) the Applicants will install a six foot vinyl fence between the properties, and (3) sewer will be brought down to her house and stubbed off at that location. Mr. Jacobsen seconded the motion. The vote of the board was unanimous at 5-0.

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/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  
James F. McGrail, Esq., Chairman

J. Gregory Jacobsen  
J. Gregory Jacobsen, Vice Chairman

Scott M. Steeves  
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 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
- Certified plot plan dated 3/21/14, prepared by New England Land Survey, 25 Sutton Avenue, Oxford, MA 01540
- Rendering of proposed conditions (5 pages)
- Photographs of existing conditions