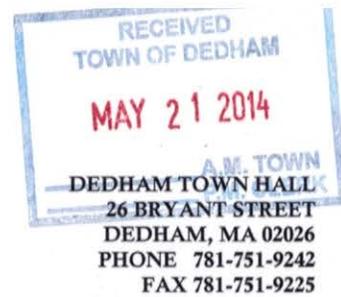
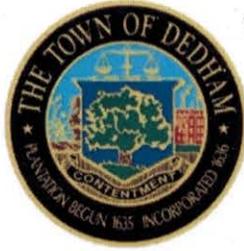


ZONING BOARD MEMBERS  
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E. PATRICK MAGUIRE, LEED AP  
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ADMINISTRATIVE ASSISTANT  
SUSAN WEBSTER  
[swebster@dedham-ma.gov](mailto:swebster@dedham-ma.gov)

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

<b>APPLICANT:</b>	218 High Street, LLC and Stephen Clifford
<b>PROJECT ADDRESS:</b>	218 High Street, Dedham, MA
<b>CASE #</b>	<b>VAR-03-14-1816</b>
<b>PROPERTY OWNER/ADDRESS:</b>	218 High Street, LLC, 1 Union Place, Dedham, MA
<b>MAP/LOT AND ZONING DISTRICT:</b>	111/3, General Residence
<b>DATE OF APPLICATION:</b>	March 21, 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>	(1) To be allowed to construct a two-unit structure on Lots 4 and 5 at 218 High Street, meeting all Dimensional Requirements except for total area of 10,321 square feet instead of the required 11,000 square feet. (2) To waive combining requirement so that Lot 3 retains its status as a special lot size exception
<b>SECTION OF ZONING BYLAW:</b>	Town of Dedham Zoning Bylaw Section 4.1, Table of Dimensional Requirements, and Section 4.5.1, Special Lot Size Exemptions for Dwellings
<b>REPRESENTATIVE:</b>	Stephen Clifford
<b>DATE FILED WITH TOWN CLERK:</b>	<b>MAY 21, 2014</b>

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. The hearings were duly advertised for this meeting of the ZBA in accordance with the requirements of MGL Chapter 40A, Section 11.

At 8:14 p.m., the Chairman called for the hearing on the petition of 218 High Street, LLC and Stephen Clifford, 1 Union Place, Dedham, MA. The Applicant seeks (1) to be allowed allowed to construct a two-unit structure on Lots 4 and 5 at 218 High Street, meeting all Dimensional Requirements except for total area of 10,321 square feet instead of the required 11,000 square feet, and (2) to waive combining requirement so that Lot 3 retains its status as a special lot size exception. *Town of Dedham Zoning Bylaw Section 4.1, Table of Dimensional Requirements, and Section 4.5.1, Special Lot Size Exemptions for Dwellings*

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 218 High Street, Dedham, MA and is shown on Dedham Assessors' Map 111, Lot 3. The certified plot plan indicates that the Subject Property contains 15,521 square feet of land, has 155.21 feet of frontage, and, according to the Dedham Zoning Map, is located in the General Residence zoning district. Currently, the property is occupied by a single family dwelling and a garage. According to the records maintained by the Dedham Board of Assessors, the dwelling was constructed in 1928.

Mr. Clifford purchased 218 High Street in February 2014. There are three existing lots, but through time and use, this became two lots. The combining requirement is very technical. He could have sold that lot the day after buying it at market value and then come before the Board for the first petition (the area requirement on the dimensional area). On the lot is an old single family dwelling that has become nonconforming through time and use because it was being used as a commercial property. He proposes razing the existing dwelling and constructing a two-unit dwelling on lots to the right, and a single family dwelling on the special exception sized lot.

Mr. Clifford notes that there is a hardship in that there is quite a bit of ledge and the property slopes from east to west, making the lot hard to work on. He presented plans to the Board to

illustrate this. He would need to chip the ledge quite a bit to get the depth to meet the all the dimensional requirements. The area where the garage is has a special lot exception, so it meets regulations. However, to put up a decent house, they will have to go into the ledge quite a bit. The proposed single family dwelling is on two lots and requires approximately 670 feet of relief for the two family dwelling. Originally, the lots were laid out for single family dwellings. He canvassed the neighborhood, and there was no opposition; in fact neighbors were encouraged that he wanted to do this in East Dedham. In addition, he spoke with Building Commissioner Kenneth Cimeno and Planning Director Richard McCarthy, who support this.

Mr. Maguire asked for clarification because the Town GIS shows the location as one 15,000 square foot lot. Mr. Clifford said this is because they do not distinguish what they call invisible lines. This is the total area, not the deed plan. The plan in fact has not been altered since 1928. Mr. McGrail and Mr. Jacobsen felt that the proposal was a vast improvement. No one in the audience spoke in favor of or in opposition to the petition.

On a motion made by Scott M. Steeves and seconded by J. Gregory Jacobsen, the Zoning Board of Appeals voted unanimously (5-0) to (1) allow construction of a two-unit structure on Lots 4 and 5 at 218 High Street, meeting all Dimensional Requirements except for total area of 10,321 square feet instead of the required 11,000 square feet, and (2) waive combining requirement so that Lot 3 retains its status as a special lot size exception at 218 High Street. Mr. Jacobsen seconded the motion. The vote was unanimous at 5-0.

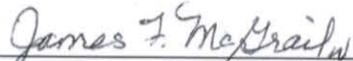
The Board was of the opinion that the Applicant meets the requirements of MGL Chapter 40A, Section 10, specifically that the Applicant would incur a hardship if the variance was not granted. There is no detriment to the public good or derogation in the intent of purpose of the bylaw. In granting of said 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.

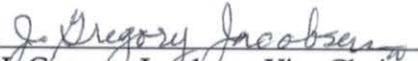
The Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, a copy of this decision bearing the certification of the Dedham Town Clerk that twenty (20) days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has

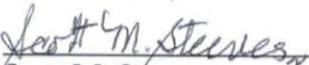
been filed or that has been filed within such time shall be recorded in the Norfolk County Registry of Deeds or the Land Registration Office of Norfolk County. Applicant is further advised that no waivers/variances will be issued by the Building Department until evidence is presented that this decision 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.

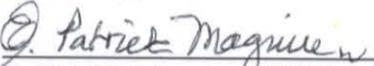
Dated: April 16, 2014

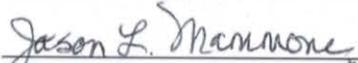
Attest, by the Zoning Board of Appeals:

  
James F. McGrail, Esq., Chairman

  
J. Gregory Jacobsen, Vice Chairman

  
Scott M. Steeves

  
E. Patrick Maguire, LEED AP

  
Jason L. Mammone, P.E.

Attest, by the Administrative Assistant:

  
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

Proposed foundations prepared by CCR Associates, 40 Mears Avenue, Quincy, MA 02169

Town of Dedham GIS map

Town of Dedham GIS map with topography

Photographs of existing conditions

Photograph of proposed townhouses

Photograph of proposed single family dwelling