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TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS
ZONING BOARD OF APPEALS DECISION

APPLICANT:	**Thomas Swyers**
PROJECT ADDRESS:	**417 Greenlodge Street, Dedham, MA**
CASE #	**VAR-04-14-1835**
PROPERTY OWNER/ADDRESS:	Thomas Swyers,417 Greenlodge Street, Dedham, MA
MAP/LOT, ZONING DISTRICT:	195/14, Single Residence B
DATE OF APPLICATION:	April 24, 2014
PRESENT AND VOTING:	J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E., Jared F. Nokes, J.D.
PETITION:	To be allowed a Special Permit to construct an accessory dwelling unit above his garage for his father-in-law and his wife
SECTION OF ZONING BY-LAW:	Section 7.7.1, Special Residential Regulations
REPRESENTATIVE:	Thomas Swyers
DATE FILED WITH TOWN CLERK:	**JUNE 10, 2014**

The Zoning Board of Appeals ("Zoning Board of Appeals") of the Town of Dedham, Massachusetts, held public hearings on Wednesday, May 21, 2014, in the Town of Dedham Office Building, 26 Bryant Street, Dedham, MA. Present were members of the Zoning Board of Appeals, J. Gregory Jacobsen, Vice Chairman, Scott M. Steeves, E. Patrick Maguire, LEED AP, and Jason L. Mammone, P.E. In the absence of Chairman James F. McGrail, Esq., Vice Chairman Jacobsen appointed Jared F. Nokes, J.D. to sit in his stead.

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 7:28 p.m., the Chairman called for the hearing on the petition of Thomas Swyers (hereinafter refereed to as the "Applicant"), 417 Greenlodge 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 417 Greenlodge Street, Dedham, MA, and is shown on Dedham Assessors' Map 195, Lot 14. The certified plot plan indicates that the Subject Property contains 13,895 square feet of land and 100 has 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 2003.

The Applicant seeks to be allowed a Special Permit to construct an accessory dwelling unit above his garage for his father-in-law and his wife. The property is located in the Single Residence B zoning district. *Town of Dedham Zoning Bylaw Section 7.7.1, Special Residential Regulations*

Mr. Swyers noted that the garage was constructed by students at Blue Hills Technical School in Canton, MA. It is completely unfinished at this time. He would like to finish the space above for his father-in-law and his wife so that they may move in with the family. The unit will contain one bedroom, living room, dinette, kitchen, and bathroom. It will have access to the rest of the house.

On a motion made by Scott M. Steeves and seconded by E. Patrick Maguire, LEED AP, the Zoning Board of Appeals voted unanimously (5-0) to allow construction of an accessory dwelling unit above the garage at 417 Greenlodge Street, Dedham, MA. 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 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: May 21, 2014

Attest, by the Zoning Board of Appeals:

J. Gregory Jacobsen

J. Gregory Jacobsen, Acting Chair

Scott M. Steeves

Scott M. Steeves

E. Patrick Maguire

E. Patrick Maguire, LEED AP

Jason L. Mammone

Jason L. Mammone, P.E.

Jared F. Nokes

Jared F. Nokes. J.D.

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:

- ZBA application
- Certified plot plan prepared by George C. Collins, Professional Land Surveyor, Boston Survey, Inc., Unit C4 Shipways Place, Charlestown, MA 02129
- Photograph of existing conditions
- Rendering of proposed dwelling unit
- Town of Dedham GIS map
- Town of Dedham Assessors Database information