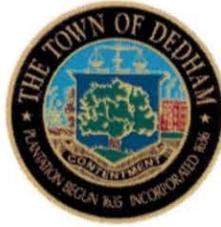


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TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS
DECISION



APPLICANT:	Robert A. Foley and Patricia Maloney
PROJECT ADDRESS:	42 Kimball Road, Dedham, MA
CASE #	VAR-06-14-1860
PROPERTY OWNER/ADDRESS:	Robert A. Foley and Patricia Maloney
MAP/LOT AND ZONING DISTRICT:	154/114, Single Residence B
DATE OF APPLICATION:	June 20, 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 such Special Permits as may be necessary for a front yard setback of 10 feet instead of the required 25 feet
SECTION OF ZONING BYLAW: .	<i>Town of Dedham Zoning Bylaw Section 3.3.5.4, Nonconforming Single and Two Family Residential Structures</i>
REPRESENTATIVE:	Derek Rodman, Esq., 35 Braintree Hill Office Park, Suite 204, Braintree, MA 02184 Robert A. Foley, Applicant Patricia Malone, Applicant
DATE FILED WITH TOWN CLERK:	JULY 25, 2014

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held public hearings on Wednesday, July 16, 2014, commencing at 7:00 p.m. in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were members of the ZBA, Chairman

James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, and Jason L. Mammone, P.E. These hearings and meeting of the ZBA were duly advertised in accordance with the requirements of MGL Chapter 40A, Section 11.

At 7:32 p.m., the Chairman called for the hearing on the appeal of Robert A. Foley and Patricia Maloney (hereinafter referred to as "Applicant"), 42 Kimball Road, Dedham, MA. The Applicants are seeking a special permit to be allowed a front yard setback of 10 feet instead of the required 25 feet to construct a second floor addition and a farmer's porch at 42 Kimball Road, Dedham, MA. *Dedham Zoning By-Law Section 3.3.5.4, Nonconforming Single and Two Family Residential Structures*

The Applicants were represented by Derek Rodman, Esq., 35 Braintree Hill Office Park, Suite 204, Braintree, 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 42 Kimball Road, Dedham, MA, and is shown on Dedham Assessors' Map 154, Lot 114. The certified plot plan, prepared by Michael P. Antonino, RLS, 31 Ledgebrook Avenue, Stoughton, MA 02072, indicates that the Subject Property contains approximately 6,648 square feet of land and has 80.99 feet of frontage. According to the Dedham Zoning Map, the Subject Property is located in the Single Residence B zonign district. Currently, the property is occupied by a single family dwelling. According to the records maintained by the Dedham Board of Assessors, the building was constructed in 1939.

Mr. Rodman introduced the Applicants, Robert A. Foley, a firefighter for the City of Providence, RI, and Patricia Maloney, a teacher in Brookline. They are seeking a front yard setback of 10 feet instead of the required 25 feet so they can a construct a second floor and a farmer's porch on their Cape-style house. The footprint of the house will remain the same. The house is a pre-existing nonconforming structure. Construction will be done in two stages, a second story addition and a front porch addition. The front porch addition will result in

a ten foot setback instead of the required 25 feet. A letter of support was presented to the Board with signatures as follows:

NAME	ADDRESS
Pamela Hoey	53 Kimball Road
Scott Osika	43 Kimball Road
Dana Burton	45 Kimball Road
Doreen Avila	39 Kimball Road
Marion Pignone	31 Kimball Road
Michele Giusti	48 Kimball Road
Dianne Balfour	35 Beech Street
Joseph Reen	34 Kimball Road
Rachel Forziati	52 Kimball Road

Mr. Steeves asked Mr. Foley about the garage being bisected by two lots. Mr. Foley said it is a shared garage from the original construction.

Marc Rolfe, 59 Kimball Road, who lives across the street, was concerned about the 10 foot front yard setback and how it would affect curb appeal. He said it seems very close, and thought it would give the area a more urban feel. Mr. Foley explained that it will be an open farmer's porch, and will enhance the house.

Mr. Jacobsen made a motion to approve a Special Permit as may be necessary for a front yard setback of 10 feet instead of the required 25 feet to construct a second floor addition and a farmer's porch at 42 Kimball Road. Mr. Steeves seconded the motion. The vote was unanimous at 5-0.

Upon motion duly made by J. Gregory Jacobsen and seconded by Scott M. Steeves, the ZBA voted unanimously, 5-0, to grant the requested special permit for a front yard setback of 10 feet instead of the required 25 feet at 42 Kimball Road.

The Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, no special permit shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that an appeal has been filed within

such time shall be recorded in the Norfolk County Registry of Deeds or the Land Registration Office of Norfolk County.

Dated: July 16, 2014

James F. McGrail
James F. McGrail, Esq., Chairman

J. Gregory Jacobsen
J. Gregory Jacobsen

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 of Support signed by nine neighbors
- Certified plot plan prepared by Michael P. Antonino, RLS, 31 Ledgebrook Avenue, Stoughton, MA 02072