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TOWN OF DEDHAM

JUN 24 2014

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TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS
ZONING BOARD OF APPEALS
DECISION

| | |
|-------------------------------------|---|
| APPLICANT: | Brenda Chaison |
| PROJECT ADDRESS: | 68 Ames Street, Dedham, MA |
| CASE # | VAR-04-14-1832 |
| PROPERTY OWNER/ADDRESS: | Brenda Chaison and Elaine Chaison, 68 Ames Street, Dedham, MA |
| MAP/LOT AND ZONING DISTRICT: | 55/117, General Residence |
| DATE OF APPLICATION: | April 18, 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 or variances for a rear yard setback of three (3) feet instead of the required five (5) feet for a one-story detached accessory structure (garage) |
| SECTION OF ZONING BYLAW: | <i>Town of Dedham Zoning Bylaw Section 3.3.4</i> |
| REPRESENTATIVE: | Brenda Chaison |
| DATE FILED WITH TOWN CLERK: | JUNE 24, 2014 |

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts, held public hearings on Wednesday, May 21, 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 7:52 p.m., the Chairman called for the hearing on the petition of Brenda Chaison, 68 Ames Street, Dedham, MA. The Applicant seeks to be allowed a variance for a rear yard setback of three (3) feet instead of the required five (5) feet to construct a garage. *Town of Dedham Zoning Bylaw Section 3.3.4 Nonconforming Uses and Structures, Variance Required*

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 68 Ames Street, Dedham, MA, and is shown on Dedham Assessors' Map 55, Lot 117. The certified plot plan indicates that the property contains 6,000 square feet of land and has 60 feet of frontage. According to the Dedham Zoning Map, the property is located in the General Residence 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 1934.

The Applicant proposes to demolish the existing garage, which measures 18' x 12,' and construct a new one measuring 18' x 18.' This larger size would allow her to store her lawnmower and snow blower. It was very difficult to hear Ms. Chaison since she was very soft-spoken. The garage would be 10'5" from her home. She submitted a letter from Paul and Mary McCallion, her next door neighbors at 76 Ames Street, in support of her petition. In addition, her other next door neighbor, Donna Walsh of 62 Ames Street, was present for the hearing and had no objection. No one was present to oppose the petition.

On a motion made by J. Gregory Jacobsen and seconded by E. Patrick Maguire, LEED AP, the Zoning Board of Appeals voted unanimously (5-0) to allow a rear yard setback of three feet instead of the required five feet to construct a garage at 68 Ames Street, Dedham, MA.

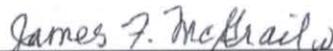
The Board was of the opinion that the Applicant meets the requirements of MGL Chapter 40A, Section 10, specifically that the Applicant would incur a hardship if the variance was not granted. There is no detriment to the public good or derogation in the intent of purpose of the bylaw. In granting of said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

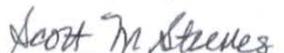
The Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, a copy of this decision bearing the certification of the Dedham Town Clerk that twenty (20) days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that has been filed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

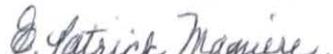
Dated: May 21, 2014

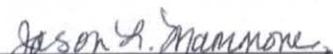
Attest, by the Zoning Board of Appeals:


James F. McGrail, Esq., Chairman

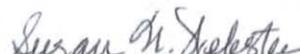

J. Gregory Jacobsen, Vice Chairman


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
- Certified plot plan prepared by Michael P. Antonino, 31 Ledgebrook Avenue, Stoughton, MA