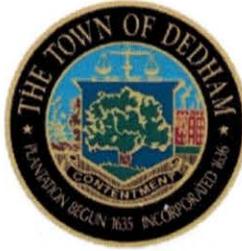


ZONING BOARD MEMBERS  
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ADMINISTRATIVE ASSISTANT  
SUSAN WEBSTER  
[swebster@dedham-ma.gov](mailto:swebster@dedham-ma.gov)

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

<b>APPLICANT:</b>	Ford S. Madeira, Trustee of 77 Village Avenue Realty Trust
<b>PROJECT ADDRESS:</b>	77 Village Avenue, Dedham, MA
<b>CASE #</b>	<b>VAR-04-14-1838</b>
<b>PROPERTY OWNER/ADDRESS:</b>	Ford S. Madeira, Trustee of 77 Village Avenue Realty Trust, 77 Village Avenue, Dedham, MA
<b>MAP/LOT AND ZONING DISTRICT:</b>	91/16, Single Residence B
<b>DATE OF APPLICATION:</b>	April 25, 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 a variance for a side yard setback of 0.3 feet instead of the required 15 feet and lot coverage of 27.6% instead of the allowed 25%
<b>SECTION OF ZONING BYLAW:</b>	Section 4.1, Table of Dimensional Requirements and Section 8.2.5.1, Aquifer Protection Overlay District, Permitted Uses
<b>REPRESENTATIVE:</b>	Donald M. Hadge, Esq., 30 Eastbrook Road, Suite 201, Dedham, MA
<b>DATE FILED WITH TOWN CLERK:</b>	<b>JUNE 24, 2014</b>

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 7:39 p.m., the Chairman called for the hearing on the petition of Ford S. Madeira, Trustee of 77 Village Avenue Realty Trust, Dedham, MA. The Applicant seeks to be allowed a variance for a side yard setback of 0.3 feet instead of the required 15 feet and lot coverage of 27.6% instead of the allowed 25%. *Town of Dedham Zoning Bylaw Section 4.1, Table of Dimensional Requirements and Section 8.2.5.1, Aquifer Protection Overlay District, Permitted Uses*

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 77 Village Avenue, Dedham, MA, and is shown on Dedham Assessors' Map 91, Lot 16. The certified plot plan indicates that the Subject Property contains 7,517 feet of land and has 75.94 feet of frontage. According to the Dedham Zoning Map, the Subject Property is located in the Single Residence B (SRB) 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 1840.

The Applicant had been before the Zoning Board of Appeals in March 2014, and received Zoning Board of Appeals approval for a side yard setback of 1.7 feet instead of the required 10 feet, space between buildings of 5.1 feet instead of the required 10 feet, and lot coverage of 27.3% instead of the allowed 25% in the Aquifer Protection Overlay District. Attorney Hadge explained that when the architect was getting ready for construction, the rear wall was determined to not be square. As a result, a variance is being requested for a side yard setback of 0.3 feet instead of the required 15 feet to correct this. The Applicant is also seeking lot coverage of 27.6% instead of the allowed 25%; this is actually .3% less than what was approved on May 19, 2014. With regard to the side yard setback, the Applicant is going to square off the wall up to the second floor. There will be no change in the footprint of the house.

No one appeared before the Board to support or oppose the petition.

On a motion made by E. Patrick Maguire, LEED AP, and seconded by J. Gregory Jacobsen, the Zoning Board of Appeals voted unanimously (5-0) to allow a side yard setback of 0.3 feet instead of the required 15 feet and lot coverage of 27.6% instead of the allowed 25% at 77 Village Avenue, Dedham, MA.

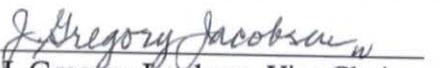
The Board was of the opinion that the Applicant meets the requirements of MGL Chapter 40A, Section 10, specifically that the Applicant would incur a hardship if the variance was not granted. There is no detriment to the public good or derogation in the intent of purpose of the bylaw. In granting of said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

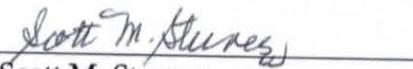
The Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, a copy of this decision bearing the certification of the Dedham Town Clerk that twenty (20) days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that has been filed 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  
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 from Ford S. Madeira
- Certified plot plan prepared by GLM Engineering Consultants, Inc., 19 Exchange Street, Holliston, MA
- Renderings of proposed conditions