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DEDHAM TOWN HALL
26 BRYANT STREET
DEDHAM, MA 02026
PHONE 781-751-9242
FAX 781-751-9225

ADMINISTRATIVE ASSISTANT

SUSAN WEBSTER
swebster@dedham-ma.gov

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

APPLICANT:	Patrick J. Loughran III
PROJECT ADDRESS:	88 Abbott Road, Dedham, MA
CASE #	VAR-04-14-1828
PROPERTY OWNER/ADDRESS:	Patrick J. Loughran III, 88 Abbott Road, Dedham, MA
MAP/LOT AND ZONING DISTRICT:	125/60, Single Residence B
DATE OF APPLICATION:	April 9, 2014
MEMBERS 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 such Special Permits or variances for a side yard setback of eight feet instead of the required 15 feet to demolish an existing garage and construct an addition to the house.
SECTION OF ZONING BYLAW:	<i>Section 4.1, Table of Dimensional Requirements</i>
REPRESENTATIVE:	Patrick J. Loughran III Joseph Dineen, JD Home Improvement, Inc.
DATE FILED WITH TOWN CLERK:	JULY 14, 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 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, Vice Chairman Jacobsen assumed the role of Chair, and appointed Associate Member Jared F. Nokes, J.D. to sit in Mr. McGrail's stead. The

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

At 7:31 p.m., the Acting Chairman called for the hearing on the petition of Patrick J. Loughran III, 88 Abbott Road, Dedham, MA. The Applicant seeks to be allowed such Special Permits or variances for a side yard setback of eight feet instead of the required 15 feet to demolish an existing garage and construct an addition to the house. *Town of Dedham Zoning Bylaw Section 4.1, Table of Dimensional Requirements*

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 88 Abbott Road, Dedham, MA, and is shown on Dedham Assessors' Map 125, Lot 60. The certified plot plan indicates that the Subject Property contains 15,710 square feet of land and has 88 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 1820.

Mr. Loughran said that his mother is living with his family, and he would like to expand the home so that she has her own living space including bedroom, bathroom, kitchenette, and living room. He plans to demolish the existing garage and shed in order to do that. He said that his neighbor at 76 Abbott Road is aware of the plans and is in favor. Mr. Maguire was concerned that Mr. Loughran would require a variance for lot coverage. Mr. Mammone did not see this figure on the certified plot plan, so he could not be sure of the calculations. He said he wanted to see them to be sure. Mr. Steeves agreed, and told Mr. Loughran that he should ask for it now, or else he would have to return to the Board for another appeal. Mr. Mammone advised him that the land surveyor would be able to give him detailed calculations on lot coverage. Mr. Steeves made a motion to continue the hearing to the June 18, 2014, meeting, seconded by Mr. Mammone. The vote was unanimous at 5-0.

The Zoning Board of Appeals (“ZBA”) of the Town of Dedham, Massachusetts, held public hearings on Wednesday, June 18, 2014, in the Town 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, Vice Chairman Jacobsen assumed the role of Chair, and appointed Associate Member Jared F. Nokes, J.D. to sit in Mr. McGrail’s stead. The hearings were duly advertised for this meeting of the ZBA in accordance with the requirements of MGL Chapter 40A, Section 11.

At 8:51 p.m., the Acting Chairman called for the continuation of a hearing on the petition of Patrick J. Loughran III, 88 Abbott Road, Dedham, MA. The Applicant seeks to be allowed such Special Permits or variances for a side yard setback of eight feet instead of the required 15 feet to demolish an existing garage and construct an addition to the house. *Town of Dedham Zoning Bylaw Section 4.1, Table of Dimensional Requirements*

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.

At the May 21, 2014, meeting, the Board was concerned that the Applicant was over the allowed lot coverage for his property. Another plan was submitted that clarified this and showed that the Applicant was within the allowed amount. Jason L. Mammone, J.D. made a motion to allow such Special Permits or variances for a side yard setback of eight feet instead of the required 15 feet to demolish an existing garage and construct an addition to the house at 88 Abbott Road. The motion was seconded by Scott M. Steeves. 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: June 18, 2014

Attest, by the Zoning Board of Appeals:

J. Gregory Jacobsen, Vice Chairman

Scott M. Steeves

E. Patrick Maguire, LEED AP

Jason L. Mammone, P.E.

Jared F. Nokes, J.D.

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
- Photograph of existing conditions
- Certified plot plan prepared by Dennis O'Brien, D. O'Brien Land Surveying, 31 Hayward Street, Unit 3-G, Franklin, MA 02038
- Site plan, demolition plan, proposed floor plan, dimension plan, interior elevations, exterior elevations, roof plan, foundation plan, framing plan, roof framing plan, building sections, electrical power/lighting plan