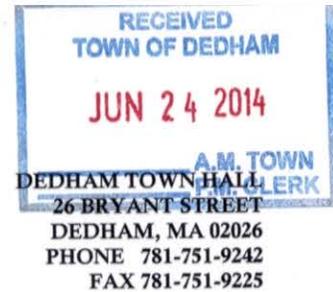


ZONING BOARD MEMBERS  
JAMES F. McGRAIL, CHAIRMAN  
J. GREGORY JACOBSEN, VICE  
CHAIRMAN  
SCOTT M. STEEVES  
E. PATRICK MAGUIRE, LEED AP  
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ADMINISTRATIVE ASSISTANT  
SUSAN WEBSTER  
[swebster@dedham-ma.gov](mailto:swebster@dedham-ma.gov)

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

|                                     |  |
|-------------------------------------|--|
| <b>APPLICANT:</b>                   | James Lane   |
| <b>PROJECT ADDRESS:</b>             | 88 Wentworth Street, Dedham, MA  |
| <b>CASE #</b>                       | <b>VAR-04-14-1833</b>  |
| <b>PROPERTY OWNER/ADDRESS:</b>      | James Lane, 88 Wentworth Street, Dedham, MA  |
| <b>MAP/LOT AND ZONING DISTRICT:</b> | 138/117, Single Residence B  |
| <b>DATE OF APPLICATION:</b>         | April 23, 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 such Special Permits or variances for a rear yard setback of 11 feet instead of the required 20 feet, and a side yard setback of 5 feet instead of the required 10 feet. |
| <b>SECTION OF ZONING BYLAW:</b>     | <i>Town of Dedham Zoning Bylaw Section 4.1, Table of Dimensional Requirements</i>  |
| <b>REPRESENTATIVE:</b>              | Harold J. McGonagle, AIA, 103 Keystone Street, West Roxbury, 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, 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 7:56 p.m., the Chairman called for the hearing on the petition of James Lane, 88 Wentworth Street, Dedham, MA. The Applicant seeks to be allowed a rear yard setback of 11 feet instead of the required 20 feet, and a side yard setback of 5 feet instead of the required 10 feet. *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 Wentworth Street, Dedham, MA, and is shown on Dedham Assessors' Map 138, Lot 117. The certified plot plan indicates that the Subject Property contains 5,547 square feet of land and has 105.55 feet of frontage on Wentworth Street and 51.14 feet of frontage on Fairbanks Road. 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 1937.

The Applicant proposes to construct a dormer on the rear of his dwelling, for which he requires a rear yard setback of 11 feet instead of the required 20 feet, and a side yard setback of 5 feet instead of the required 10 feet. The footprint of the house will not change, and there will be no increase in the nonconformity. Chairman James F. McGrail, Esq. expressed concern with the side yard setback, and advised Mr. McGonagle to go to the Town of Dedham Building Department as soon as possible to ensure that this will not be an issue before construction goes too far. He was of the opinion that the Applicant needed a side yard setback of 4.24 feet, which is the measurement at the closest point to the property boundary. Mr. McGonagle indicated that the setback for the dormer will be 6.87 feet because it will be built on the rear of the dwelling, not the front where the setback is lower. He will take Mr. McGrail's advice and consult with the Building Department prior to commencing construction.

On a motion made by Scott M. Steeves, and seconded by J. Gregory Jacobsen, the Zoning Board of Appeals voted unanimously (5-0) to allow a rear yard setback of 11 feet instead of

the required 20 feet, and a side yard setback of 5 feet instead of the required 10 feet. The Applicant will consult with the Building Department to make sure this is not an issue.

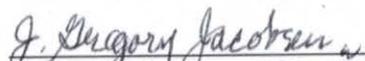
The Board was of the opinion that the Applicant meets the requirements of MGL Chapter 40A, Section 10, specifically that the Applicant would incur a hardship if the variance was not granted. There is no detriment to the public good or derogation in the intent of purpose of the bylaw. In granting of said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

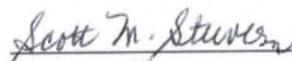
The Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, a copy of this decision bearing the certification of the Dedham Town Clerk that twenty (20) days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that has been filed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

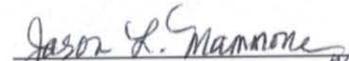
Attest, by the Zoning Board of Appeals:

  
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
- Photographs of existing conditions
- Certified Plan of Land prepared by Joseph Vozzella, Vozzella Design Group, Inc., 3841 Washington Street, Boston, MA
- Renderings of proposed changes prepared by Harold J. McGonagle, AIA, 103 Keystone Street West Roxbury, MA 02132