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TOWN OF DEDHAM
JUN 11 2014
A.M. TOWN
CLERK
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:	Arthur J. Capone, Jr.
PROJECT ADDRESS:	9 Autumn Lane, Dedham, MA
CASE #	VAR-04-14-1827
PROPERTY OWNER/ADDRESS:	Carol and Arthur J. Capone, Jr., 9 Autumn Lane, Dedham, MA
MAP/LOT AND ZONING DISTRICT:	125/19, Single Residence B
DATE OF APPLICATION:	April 16, 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 5.5 feet instead of the required 10 feet to construct a two-car garage
SECTION OF ZONING BYLAW:	Town of Dedham Zoning Bylaw Section 4.1, Table of Dimensional Requirements
REPRESENTATIVE:	Arthur J. Capone, Jr.
DATE FILED WITH TOWN CLERK:	JUNE 11, 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. Chairman James F. McGrail was not present for this hearing. Vice Chairman J. Gregory Jacobsen took over the role of chair and appointed Associate Member Jared F. Nokes, J.D. to sit in Mr. McGrail's stead. Also present at the hearing were members 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 7:24 p.m., the Chairman called for the hearing on the petition of Arthur J. Capone, Jr., 9 Autumn Lane, Dedham, MA. The Applicant seeks to be allowed such Special Permits or variances for a side yard setback of 5.5 feet instead of the required 10 feet to construct a two-car garage. *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 9 Autumn Lane, Dedham, MA, and is shown on Dedham Assessors' Map 125, Lot 19. The certified plot plan indicates that the Subject Property contains 7,023 square feet of land and has 66.75 feet of frontage on Autumn Lane and 43.41 feet of frontage on East Street. 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 1940.

The Applicant proposes to construct a two-car garage, and requires a side yard setback of 5.5 feet instead of the required ten feet. There will be no living space above the garage, and it will be used solely for storage. No one appeared before the Board to oppose or support the application.

On a motion made by Scott M. Steeves, and seconded by Jason L. Mammone, P.E., the Zoning Board of Appeals voted unanimously (5-0) to allow a side yard setback of 5.5 feet instead of the required ten feet.

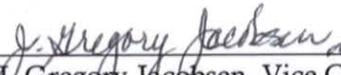
The Board was of the opinion that the Applicant meets the requirements of MGL Chapter 40A, Section 10, specifically that the Applicant would incur a hardship if the variance was not granted. There is no detriment to the public good or derogation in the intent of purpose of the bylaw. In granting of said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

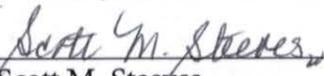
outweigh its beneficial impacts on the Town and neighborhood and will not be substantially more detrimental to the neighborhood.

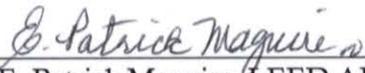
The Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, a copy of this decision bearing the certification of the Dedham Town Clerk that twenty (20) days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that has been filed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

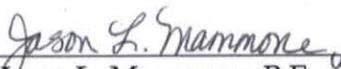
Dated: May 21, 2014

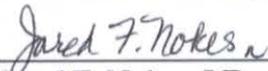
Attest, by the Zoning Board of Appeals:


J. Gregory Jacobsen, Vice Chairman

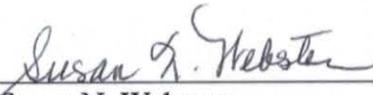

Scott M. Steeves


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
- Lot Survey plan prepared by Christopher C. Charlton, PLS, Continental Land Survey, LLC, 105 Beaver Street, Franklin, MA