

TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS



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Associate Members

Jared F. Nokes, J.D.
George Panagopoulos

MEETING MINUTES

Wednesday 26, 7:00 p.m., Lower Conference Room

Present: James F. McGrail, Esq., Chair
J. Gregory Jacobsen, Vice Chair
E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®
Jared F. Nokes, J.D.
George Panagopoulos

Staff: Renee Johnson, Administrative Assistant

Mr. McGrail called the meeting to order at 7:00 p.m. 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. In addition, the legal notice for each hearing was read into the record. Abutters within 300 feet of the subject property, as well as abutting towns of Westwood, Needham, Canton, and Boston, were notified of each hearing. The hearings for this meeting of the ZBA were duly advertised in *The Dedham Times* in accordance with the requirements of MGL Chapter 40A, Section 11.

Present and Voting James F. McGrail, Esq., J. Gregory Jacobsen, , Jared F. Nokes, J.D., Patrick Maguire, George Panagopoulos

Applicant Whole Foods Market Dedham, David Filippone
Property Address 300 Legacy Place, Dedham, MA 02026
Property Owner/Address Legacy Place, LLC, Whitney MacLeod, General Manager
Zoning District RDO/AP
Map and Lot 162/1
Application Date August 27, 2018
Representative David Filippone and Jenny Dakin

Legal Notice The Applicant seeks to be allowed a Special Permit to house a temporary trailer behind Whole Foods Market from November 16, 2018, to November 26, 2018, for storage during the holiday season. The property is located at 300 Legacy

Place, Dedham, MA, and is in the Research, Development, and Office zoning district. *Town of Dedham Zoning Bylaw Section 3.2.1 Trailers*

Section of Zoning Bylaw *Section 3.2.1*

Mr. McGrail asked who was in attendance to represent the applicant. David Filippone from Legacy Place, and his assistant Jenny Dakin were present. Mr. McGrail explained that this was an annual application that was reviewed regularly. Mr. Filippone mentioned that the Building Commissioner stated they should ask for a multiple year Special Permit in order to avoid coming back every year. Mr. McGrail explained that since they had not originally asked for a multiple year permit, that it could only be issued this time for one year. A small discussion ensued when the by-laws were looked up and recited:

3.2.1 Trailers

The Board of Appeals may, upon application and after a duly authorized hearing under the General Laws, grant permits for trailers, whether on wheels or not hereafter place on any land within the Town which shall be used or occupied as a dwelling or residence, or for business, or office purposes, or storage of material relating to the business, for a period not exceeding thirty (30) days in the aggregate, for any one year. The Board of Appeals may also grant permits for longer period of time by special exception to the terms of this section in harmony with the zoning regulations and statutes, or to do or act anything else in relation thereto. Except in accordance with a permit granted under this paragraph, no use of a trailer on the premises shall be regarded as an accessory use to any business for more than twenty-four (24) of any forty-eight (48) consecutive hours; provided, however, that trailers may be placed on a construction site with a building project for the duration of said project with a building permit issued by the Building Commissioner. The location of construction trailers on a lot shall conform to the setback requirements of the district unless authorized by the Board of Appeals.

Since the By-law stated the Board could only grant a permit for any one year, they would have to continue reapplying to the Board on an annual basis.

Mr. McGrail asked if anyone was in the audience who wished to speak to the application, and there was no one. Mr. Jacobsen made a motion to grant the applicant a Special Permit to house a temporary trailer behind Whole Foods Market from November 16, 2018 to November 26, 2018. The motion was seconded by Patrick Maguire, and all voted in favor. The motion was passed unanimously (5-0).

Applicant	Carol A. Miller
Property Address	11 Woodlawn Street, Dedham, MA 02026
Property Owner/Address	Carol A. Miller, Same
Zoning District	SRB
Map and Lot	7/144
Application Date	August 21, 2018
Representative	

Legal Notice	The Applicant seeks to be allowed a side yard setback of 9 feet instead of the required 10 feet to demolish and rebuild a
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two car garage with additional storage room on top. The property is located at 10 Woodlawn Street, Dedham, MA, and is in the Single Residence B zoning district. *Town of Dedham Zoning Bylaw Section 4.1 Table of Dimensional Requirements, 4.2, and 4.3. Section 3, Table 1.*

Section of Zoning Bylaw *Town of Dedham Zoning Bylaw Section 4.1 Table of Dimensional Requirements, 4.2, and 4.3. Section 3, Table 1.*

Mr. McGrail asked who was in attendance for the applicant, and Carol A. Miller, the applicant and owner was representing herself. He went on to explain that the Building Commissioner, Ken Cimeno, had provided the Zoning Board with a memo that identified two small areas of concern with the application: (1) the plans did not show any means of egress/ingress from the house to the garage. He said there needs to be another exit point other than the garage doors, and (2) the elevation from the left side is different on certain pages, but it may just be an oversight in the drawings. Ms. Miller said there is an exit door in the garage and Mr. McGrail said that Mr. Cimeno's memo stated that no door was indicated on the engineer's plans. There needs to be another exit showing on the plans. She explained there were two doors there that were not listed on the plans. Mr. McGrail told her that when she goes to the building department she should bring updated plans showing those doors. Mr. McGrail then addressed the elevation differences on the drawings. He showed the drawings to Ms. Miller and explained to her that this should also be fixed on her drawings before she submits them to the Building Department. Ms. Miller agreed to do these changes.

Mr. McGrail then asked Ms. Miller to explain what she would like to do with her garage. She explained that the existing garage was on a foundation of cinder blocks that were deteriorating, and she was afraid it would eventually cause the garage to collapse. She wants to shore up the foundation and rebuild the garage in the same foot print, and add a storage area on top of it. Mr. McGrail asked if there were any questions from the Board, and it was asked if there was any thought of connecting the new storage area on top of the garage to the top of the house, Ms. Miller replied no, she does not want it connected. She indicated the garage should stay the garage, and the house should stay the house, they should not be combined. Mr. McGrail asked if there were any comments from the audience, and there were none.

Mr. Jacobsen made a motion to allow a side yard setback of 9 feet instead of the required 10 feet to demolish and rebuild a two car garage with additional storage room on top. The motion was seconded by Mr. Maguire, and all were in favor. The motion passed unanimously (5-0).

Applicant:	Anna Haluch, ProSign Graphics
Project Address:	694 Washington Street, Dedham, MA
Zoning District:	Local Business
Representative(s):	Anna Haluch, Representative for ProSign Graphics Alexander Nesterenko, Owner of Fabian Gas Station
Petition:	To be allowed a waiver from the Town of Dedham Sign Code to remove the manual gas price changer and replace it with an internally illuminated 41" x 46" digital gas price changer on the existing 10 foot high pylon sign that will remain at 10 feet high

Section of Sign Code: Town of Dedham Sign Code Sections 237-18 Illumination, 237-19 Computation of Sign Area and Height, 237-4 Definitions, Off-Premises Sign, Table 1 Permitted signs by Type and District

This matter had been continued from meeting previously conducted on June 20, 2018, July 18, 2018, and August 22, 2018. Mc. McGrail indicated that the applicant had been very accommodating with the neighbors, a number of the Board members had met at the property on Monday, September 10th, and a compromise had been met between the parties. A fence had already been built that was satisfactory to both parties. A motion was made by Patrick McGuire to grant a waiver from the Town of Dedham Sign Code to remove the manual gas price changer and replace it with an internally illuminated 41" x 46" digital gas price changer on the existing 10 foot high pylon sign that will remain at 10 feet high. The motion was seconded by Mr. Jacobsen, and all were in favor. The motion was passed unanimously (5-0).

Applicant: Kevin Costello
Project Address: 35 Roosevelt Road, Dedham, MA
Zoning District: Single Residence B
Representative(s): Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
Kevin Costello, Owner

Petition: To be allowed such Special Permits and variances as required to construct a single family dwelling on a lot with an area of 7,500 square feet instead of the required 12,500 square feet, lot frontage and width of 75 feet instead of the required 95 feet, and with a resulting impervious surface of 25% of the lot area, including the area to the center line of any new street in the Single Residence B zoning district and the Aquifer Protection Overlay District

Section of Zoning Bylaw: Town of Dedham Zoning Bylaw Sections 8.2, 9.2, 9.3, and Table 2

The applicant had requested a continuance on this application. A motion was made by Mr. Jacobsen to continue this application, the motion was seconded by Mr. Maguire, and all were in favor.

Mr. McGrail asked when the next meeting was and it was determined the meeting was October 17, 2018.

Mr. Jacobsen wished to thank Mc. McGrail for his patience and wisdom of navigating through some very difficult meetings and negotiations over the past few meetings.

A motion was made by Mr. Jacobsen to adjourn the meeting at 7:30 pm. The motion was seconded by Mr. Maguire.