

**TOWN OF DEDHAM**  
COMMONWEALTH OF MASSACHUSETTS

James F. McGrail, Chair  
J. Gregory Jacobsen, Vice Chair  
Scott M. Steeves  
Jason L. Mammone, P.E.  
Jared F. Nokes, Associate Member  
George Panagopoulos, Associate Member



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**ZONING BOARD OF APPEALS**  
**MINUTES**

**Wednesday, March 20, 2019, 7 p.m., Lower Conference Room**

Present: James F. McGrail, Chair  
Gregory Jacobsen, Vice Chair  
Scott M. Steeves  
Jason L. Mammone, P.E.  
George Panagopoulos, Associate  
Jared Nokes, Associate

Staff: Jennifer Doherty, Administrative Assistant

The meeting was called to order at 7 p.m. The plans, documents, studies, etc., referred to are incorporated as part of the public records and are on file in the Planning and Zoning office. The hearings were advertised in *The Dedham Times* as required, and notices to abutters within 300 feet of each property were sent.

**Applicant:** Genci Pence  
**Project Address:** 17 Maverick Street, Dedham, MA  
**Zoning District:** Single Residence B (SRB)  
**Representative(s):** Attorney Kevin F. Hampe, Washington Street, Dedham  
**Legal Notice:** To be allowed a special permit to alter, extend, and change a non-conforming single family structure to a two-family duplex style residence and to be allowed to increase the cubic content of the house in excess of 20% to 53%.  
**Section of Zoning Bylaw:** Town of Dedham Zoning Bylaw Sections 7.2.1 and 3.3.3

Mr. Kevin F. Hampe, Esquire, was in attendance as legal representative to the Applicant, Mr. Genci Pence, who was also in attendance. Mr. Hampe reminded the Board that last time they met, the Board had concerns as to the size of the proposed structure. In particular they had concerns as to the height. In response to these concerns the applicant has decided to eliminate the garages for the proposed structure, which would lower the building's height considerably.

Mr. Steeves made a motion to continue the hearing until the next meeting on March 20, 2019. The motion was seconded by Mr. Jacobsen, and all were in favor. Unanimous 4-0.

**Applicant:** Elizabeth and Francis Gerard Murphy, III  
**Project Address:** 87 Richards Street, Dedham, MA  
**Zoning District:** Single Residence B (SRB)  
**Legal Notice:** The Applicant, Elizabeth and Francis Gerard Murphy III, seeks to be allowed a Special Permit for a side stair encroachment of the roof over the side steps, and a waiver from the total impervious area requirements within the Aquifer Protection Overlay District.  
**Section of Zoning Bylaw :** *Town of Dedham Zoning By-Law Sections 4.3.2 and 8.2.7.5.*

Applicants applied to the Zoning Board of Appeals for a Special Permit for a side stair encroachment to build a roof over their side steps. The steps do not encroach into the side yard setback more than 18 inches as allowed; however, the proposed roof over the steps would need a side yard setback per The Town of Dedham Bylaw Section 4.3.2. The Applicants also require a Special Permit from the total impervious area requirements of the Aquifer Protection Overlay District. They wish to be allowed 34% impervious area instead of the required 25% as per Dedham Town Bylaw Section 8.2.7 (5). The current conditions exists at 26% impervious area.

Chairman Jim McGrail explained that the applicants had been before the Board of Appeals at the last meeting on March 6, 2019. The Board had asked them to redo their application to better clarify the exact dimensions and percentages of relief that were being asked. The applicants did this, and were now before the Board for this new application. The application now matched what the certified plot plans showed, and the renderings for the proposed covered staircase.

Mr. McGrail asked if there were any comments or questions from the Board, and there were not. He then asked if there were any comments or questions from the audience, and the only comment was from Jane Weismann and Mary Louise Bell, both of 84 Richards Street, stating that they were in attendance to support the project. No one appeared in opposition to the requested relief. Applicants submitted a petition signed by all direct abutters on Richards Street and Court Street, indicating their support for the requested relief.

Upon motion duly made by Scott Steeves, and seconded by Gregory Jacobsen, the ZBA voted unanimously (5-0) to grant a Special Permit for an eight (8) foot, six (6) inch side yard setback instead of the required ten (10) feet as outlined in the Town of Dedham Bylaw Section 4.3.2. The ZBA also granted a waiver from the total impervious area requirements within the Aquifer Protection Overlay District, to allow the applicants 34% impervious area instead of 25% as per the Town of Dedham Bylaw Section 8.2.7(5).

**Applicant:** River Bend, Inc., Jim Halpin,  
d.b.a. Shultz’s Guest House  
**Project Address:** 7 Burgess Lane, Dedham, MA  
**Zoning District:** Single Residence A (SRA)  
**Legal Notice:** The Zoning Board of Appeals for the Town of Dedham, Massachusetts, will hold a public hearing in the Town Office Building, 26 Bryant Street, Dedham, MA at 7:00 p.m., Wednesday, March 20, 2019, on the petition of Shultz’s Guest House, 7 Burgess Lane, Dedham, MA. The Applicant seeks to be allowed a Special Permit to operate a 501(cc) 3 rescue/adoption center for dogs under a charitable organization known as Shultz’s Guest House.

**Section of Zoning Bylaw:** *Town of Dedham Zoning Bylaw Principal Use, Table 1E. Commercial Uses, 13. Kennel.*

Deni Goldman, Director of the shelter was in attendance for the Shultz’s Guest House. Chairman McGrail asked her how long the shelter had been in operation, and she replied two in this particular location. Jennifer Doherty, Administrative Assistant indicated that Giorgio Petruzzello had called the Planning Office to indicate his support for the Shultz Guest House. He is a direct abutter to the property.

Mr. Jacobsen made a motion to allow a Special Permit to operate a 501(cc) 3 rescue/adoption center for dogs under a charitable organization known as Shultz’s Guest House. The motion was seconded by George Panagopoulos, and all were in favor. The motion passed unanimously 5-0.

**Applicant:** Candy Diaz  
**Project Address:** 32 Congress Place  
**Zoning District:** Single Residence B (SRB)  
**Legal Notice:** The Applicant, Candy Diaz, seeks to be allowed a special permit in accordance with section 4.1, Table 2 of the Dedham Zoning By-Laws to be allowed a variance to construct a 31 foot by 8 foot dormer that will be 4.5 feet from the side property line instead of the required 10 feet side yard setback in a single residence B district.

**Section of Zoning Bylaw :** Town of Dedham Bylaw Section 4.1, Table 2

Applicant Candy Diaz was in attendance representing herself. She explained that they wanted to build a dormer to add 2 bedrooms in order to accommodate their growing family of 5 with 3 boys. The proposal would lift the attic a little, increasing the amount of non-conformity. Judith Hopkins, of 36 Congress Place, direct abutter to the property was in attendance to show support for the application. Mr. McGrail asked if anyone from the audience had questions regarding the application, and there were none.

Mr. Jacobsen made a motion to approve the special permit in accordance with section 4.1, Table 2 of the Dedham Zoning Bylaw to be allowed a variance to construct a 31 foot by 8 foot dormer that will be 4.5 feet from the side property line instead of the required 10 feet

side yard setback required in the single residence B district (SRB), seconded by Mr. Steeves. The motion passed unanimously 5-0.

**Applicant:** Keith P. Hampe and Laura M. Hampe  
**Project Address:** 50 Taylor Street  
**Zoning District:** Single Residence B (SRB)  
**Legal Notice:** The Applicant, Keith P. Hampe and Laura M. Hampe, seeks to be allowed a Special Permit to extend a non-conforming structure by adding a second floor addition above an existing first floor structure adding a farmer's porch to the front of the house. In addition, to be allowed a (2) variances to construct a farmer's porch along the front of the house, said porch will have a front line setback of 18 feet instead of the required 25 feet and a side yard setback of 9 feet instead of the required 10 feet.

**Section of Zoning Bylaw :** *Town of Dedham Bylaw Section 3.3.3 Nonconforming Structures, Section 3.3.4 Variance Required, Section 3.3.5 Nonconforming Single and Two Family Residential Structures, and Section 4.1 Table 2, Table of Dimensional Requirements.*

Applicant Keith Hampe was in attendance to represent himself on the proposal. He supplied the board with some background information and explained that due to their growing family they wished to add a second floor addition above an existing first floor structure and a farmer's porch to the front of the house. The setbacks for the property are non-conforming. They are also asking for two variances for a setback of 18 feet instead of the required 25 feet, and 9 feet instead of the required 10 feet. He believes both are still keeping within the aesthetics of the neighborhood.

Mr. McGrail asked if there were any questions from the audience, and there were none. He asked if there were any questions from the Board, and there were none.

Mr. Panagopoulos made a motion to approve a Special Permit to extend a nonconforming structure by adding a second floor addition above an existing first floor structure adding a farmer's porch to the front of the house. In addition, two (2) variances will be granted to construct a farmer's porch along the front of the house, said porch will have a front line setback of 18 feet instead of the required 25 feet and a side yard setback of 9 feet instead of the required 10 feet. The motion was seconded by Mr. Steeves, and a unanimous vote of 5-0 approved.

**Applicant:** Hub Development, LLC, and Hub Development, LLC, 20 Milton Street, Dedham

**Project Address:** 230 Sprague Street, Dedham, MA

**Representative(s):**

- Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA
- Antonio Ferrara, Hub Development, LLC, located at 20 Milton Street, Dedham, MA

**Zoning District:** Single Residence B (SRB)

**Legal Notice:** The Applicant, Hub Development, LLC, of 20 Milton Street, Dedham, seeks to be allowed a special permit in accordance with section 3.3.7 of the Dedham Zoning By-Laws, to voluntarily demolish the existing nonconforming structure on Lot 340 and to construct a new single family dwelling to be located on the lot in an area other than on the original footprint of the existing structure and to be allowed to exceed the volume and area of the nonconforming structure. The Applicant also seeks to be allowed variance to build a single family dwelling on the adjacent LOT 339 which has a lot area of 10,734 square feet instead of 12,500 square feet and having a frontage of 50.07 feet instead of the 95 feet in a Single Residence B Zone (SRB).

**Section of Zoning Bylaw:** *Town of Dedham Bylaw Section 3.3.7, Section 4.0 and Section 9.2.1 of the Town of Dedham Zoning By-Laws and MGLA CH. 40A Sec.10 and MGLA CH.40A Sec.9.*

Mr. Hampe said Mr. Ferrara is the sole trustee of Hub Development, LLC. He originally bought the property from the estate of Dorothy Gobbi in January 2018. The property has two lots that exist side by side on Sprague Street. Lot 340 has a structure on it, and it is sitting almost exactly on the lot line. The lot 339 is vacant with a lot of ledge. It was originally thought that Lot 339 would be a grandfathered buildable, undersized lot under the ZBL Lot Size Exemption based on the zoning requirements at that time. In further review, the house that is presently on lot 340 is on the lot line and has a roof that has a four inch overhang onto the neighboring lot. The Building Department feels that the overhang nullifies the grandfathered, buildable lot, and therefore they need ZBA approval.

Mr. Hampe explained that the applicant has two requests. They would like to demolish the existing house on Lot 340 and build a single family house that would be moved closer to Sprague Street. It would meet all ZBL requirements for setback and sideline. It would be a two-story colonial style house with four bedrooms, two-and-a-half baths, and a garage. A Special Permit is required because the house would be moved outside the footprint and the building size is increased. A second, almost identical house would be built on the vacant lot, and this would also meet all sideline and setback guidelines. The houses would be in keeping with the others in the neighborhood. Most of the area of the lot will be in back,

and there is no intent to take down trees in the back that abut other properties. Apart from the four inch overhang, he would not need approval from the ZBA other than the Special Permit to relocate the nonconforming house. These are double requests.

Mr. McGrail asked if Stephen Clifford was involved in this project in any way, as he had inquired about this property in the past. Mr. Hampe answered absolutely not. Mr. Ferrara indicated that there was a misconception that he was involved with Mr. Clifford. He stated that this was not true, and he is not in business with him.

Mr. Mammone asked a question about GIS and land court; Mr. Hampe briefly discussed GIS, grandfathering, and land court. He said they are asking for relief that would be all or nothing. If the petition is not granted, the property would probably be used for a very large house. Mr. Panagopoulos passed out copies of the GIS map, and said he has been approached by two concerned neighbors at his place of work this week. There are three other properties within a quarter mile radius. They are concerned about setting a precedent for other buildings if this is approved. Mr. Hampe was not aware of these properties, but reviewed them and said they are all buildable lots. Mr. Hampe also explained that GIS is not a legal determination of the lots.

Paul Nugent, 149 Turner Street: He discussed the four inch overhang. He was not pleased that the applicant wants to cut down the frontage from 95 feet per lot to 50 feet. Mr. McGrail said this is not uncommon in town. This is why the applicant is asking for relief. Mr. Nugent said there is only room for one house, not two. He asked the height of the building; it will be 32 feet. He was also concerned because they also do not have the square footage. Mr. McGrail said they are here because of the four inches. He said that if this is not granted, a large single family dwelling would probably be built. He wanted the neighbors to be aware of what could happen. Mr. Nugent asked if he could get relief on his property if this would be more than 10 feet from his property line. Mr. McGrail said that is not within the ZBA purview. Mr. Nugent was also concerned about the ledge and possible blasting, the water table, and the size of the lot. He said he has to use a sump pump in his basement for every rainstorm now, and is concerned that this will increase. He asked the Board not to approve this project, saying that he does not want to move and wants to age in place.

Roscoe Thomas, 223 Sprague Street, directly across the street from the proposed project: His concern is the ledge and that any blasting affecting his home and his land. Mr. McGrail asked Mr. Ferrara to explain the process of blasting. Normally a survey is done of each home within a specific area prior to commencing blasting to have a baseline in case there is any damage. If there is, insurance will repair it. The applicant explained where the blasting would be on a map and the details of blasting.

Stephen Gigliotti, owner of 222 Sprague Street; he does not live at this address, lives at 52 Mclean Street, Wellesley, MA: He said that what is really practical is for the units to be built in tandem, one 50 feet off the road with a little space between them. However, this may cost the developer more money. He was concerned about water in the units. He has never had water on the first floor. Several years ago, he believes that the town issued a

permit to the previous owners to put in some fill. They also raised the driveway slightly. The lots are in a ravine area. Since then, the water comes within three inches of his side door. If the grade goes up an inch, there will be water, and this has never happened before. In addition, there will be snow mounds from the driveway on his side of the property. This will be a hardship for him and the neighbors. He would like to work with the applicant and requested that either the U.S. Army of Engineers or a professional engineer do the drainage right. Mr. Steeves told him that every new house must go to the Conservation Commission for stormwater management. Mr. Gigliotti said he knows there are regulations, but said this is above and beyond that. He said there is not enough room for water management. He discussed his issues at great length, and offered the engineer the opportunity to come on his property to work on the drainage.

Mr. Paul Nugent, 149 Turner Street: He was more concerned about the quality of living in the area. There are a lot of ranch houses in the area, and nothing is quite that tall. The proposal will dwarf the other houses in the area. It will change the face of the neighborhood. He was strongly opposed to the petition.

The applicant, Antonio Ferrara, said that a stormwater management plan is required in Dedham, and treats roof water as well as driveway water, and explained how this works. Mr. McGrail said it would be helpful if it was explained what could be done as a matter of right, as the audience has legitimate concerns. He understood that the applicant had met with most of the neighbors already. However, he might want to show the neighbors exactly what he is doing so they will have knowledge of it, and so that they will be able to express their concerns. They can also discuss blasting and their concerns. He strongly advised more interaction with the neighbors to clarify the situation and possibly come to an agreement. The next meeting is on April 24, 2019, and he suggested that they meet prior to that and return then with their comments.

Mr. Mammone moved to continue the hearing to April 24, 2019, seconded by Mr. Jacobsen. The vote was unanimous at 5-0.

No minutes were reviewed at this meeting.

Mr. Panagopoulos moved to adjourn, seconded by Mr. Jacobsen. The vote was unanimous at 5-0.