

**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, April 24, 2019, 7 p.m., Lower Conference Room

Present: James F. McGrail, Chair
Gregory Jacobsen, Vice Chair
Scott M. Steeves
Jason L. Mammone, P.E.

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: 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.*

Kevin Hampe, Esq., attorney for the applicant, asked for a continuance of the hearing. The applicant had planned to meet with the neighbors that weekend, but the neighbors had not met in advance. They therefore wanted to opportunity to meet with neighbors and hear their concerns before coming in front of the board again. Mr. Steeves made a motion to continue the hearing until May 22, 2019, seconded by Mr. Jacobsen. The vote was unanimous at 4-0. The matter will be continued to the May 22, 2019, meeting of the Zoning Board of Appeals.

Applicant: Jose Santana
Project Address: 11 Fresno Road, Dedham, MA
Zoning District: Single Residence B (SRB)
Legal Notice: The Applicant requests to be granted a Special Permit to construct a deck which would require a side yard setback of zero instead of the 5 feet requirement for an accessory structure, and a rear yard setback of zero instead of the required 20 feet for an accessory structure in the Single Residence B Zoning District.

Section of Zoning Bylaw : *Town of Dedham Zoning Bylaw Section 4.1 and Table 2, Dimensional Requirements.*

Mr. Santana had submitted a letter to the Planning and Zoning office before the meeting indicating that he is withdrawing his application. Upon further inspection of the application by the Building Commissioner, Kenneth Cimeno, it was determined the applicant did not need a waiver from the Zoning Board of Appeals. The Board dismissed the application without prejudice.

Applicant: Arlene Roberts
Project Address: 12 High Rock Avenue, Dedham, MA
Zoning District: Single Residence B (SRB)
Legal Notice: The Applicant requests a variance for a side yard setback of 5 feet instead of the required 10 feet in Single Residence B zoning district. The property is located at 12 High Rock Ave, Dedham, MA, and is in the Single Residence B Zoning District.

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

Mr. and Mrs. Roberts explained that they would like to add to their existing garage to make it a three car garage. This triggered the need for a variance for a side yard setback. The applicants had submitted a petition in support of their project that was signed by a number of neighbors. In addition, an abutting neighbor, Cathy Meagan of 179 Harding Terrace, spoke in favor of granting their request.

Mr. Steeves made a motion to grant a variance for a side yard setback of five (5) feet instead of the required ten (10) feet, seconded by Mr. Jacobsen. The vote was unanimous at 5-0.

Applicant: 94 Dedham Boulevard, LLC

Project Address: 94 Dedham Boulevard, Dedham, MA
Zoning District: Single Residence B
Legal Notice: The applicant, 94 Dedham Boulevard, LLC, 36 Blue Hill Drive, Westwood, MA, seeks to be allowed a variance for a proposed lot at 94 Dedham Boulevard having 60.01 feet of frontage instead of the required 95 feet, lot area of 7,363 square feet instead of the required 12,500 square feet, lot width of 60.01 feet instead of the required 95 feet, and side yard of 10 feet instead of the required 15 feet. The property is located at 94 Dedham Boulevard, Dedham, MA, Map 98, Lot 4 and is in the Single Residence B zoning District.

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

Representatives:

- Edward J. Richardson, Esq., 339 Washington Street, Dedham, MA
- Edward Musto, Principal, 94 Dedham Boulevard, LLC, 36 Blue Hill Drive, Westwood, MA

Applicant: 94 Dedham Boulevard, LLC
Project Address: 108 and 122 Garfield Road, Dedham, MA
Zoning District: Single Residence B
Legal Notice: The applicant, 94 Dedham Boulevard, LLC, 36 Blue Hill Drive, Westwood, MA, seeks to be allowed a variance for a proposed lot between 108 and 122 Garfield Road having frontage of 60 feet rather than the required 95 feet, lot area of 7,363 square feet rather than the required 12,500 square feet, lot width of 60 feet rather than the required 95 feet, and side yard of 10 feet rather than the required 15 feet required in Single Residence B District. The property is located between 108 and 122 Garfield Road, Dedham, MA.

Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Section 4.1, Table 2 – Table of Dimensional Requirements.*

Mr. Richardson said this is a companion case. There are two cases including parcels of land that are to be split off Garfield Road, as well as 94 Dedham Boulevard. With regard to 94 Dedham Boulevard, he submitted a supplemental list of documents including the Ewell plan from the late 1800's, the West Roxbury Gardens plan showing the layout of the property, plans that show the parcels on Border Street (now Garfield Road), and a copy of the Dedham Assessors map for the area, and a tax taking of the property from the 1920's when it was four separate lots.

It is believed that the parcel, because of its shape going between Dedham Boulevard and Garfield Road, does not apply everywhere. The land and the surrounding area were substantially developed in the 1940's, 1950's, and 1960's when it was zoned General Residence at the time, and the lots were small. It is now zoned Single Residence B. The lot came into existence when the property had been taken for taxes in 1920. At that time, low value tax taking was basically no title at all, so in some cases, the owners would register the land. Mr. Richardson believes that the existing house will be demolished.

Rita Mae Cushman, 121 Garfield Road, was difficult to hear. She said her house faces the property. She asked the owner how many houses he would be putting up, and he said two. She was shocked to find out that he intended to build more. She is opposed to the petition.

Mr. McGrail clarified that there is a house with an address on Dedham Boulevard. Mr. Musto said it has been torn down, and the original foundation will be demolished. A new house would be built in its place and another in the back. He has spoken with the neighbors on occasion, but there has been no neighborhood meeting. Diane Palombi, 99 Dedham Boulevard, spoke about the house Mr. Musto built, but could not be understood. Mr. McGrail said the Board encourages applicants to have neighborhood meetings to make sure the neighbors have the opportunity to fully understand exactly what is proposed. He told Mr. Musto to do that. Mr. McGrail asked if he would be living in the new house, and Mr. Musto said he would have to check with his wife. Much of the conversation from the audience was extremely difficult to understand.

Mr. McGrail suggested that this hearing be continued to May 22, 2019, so the applicant can meet with the neighbors. Mr. Steeves moved to continue these hearings to that date, seconded by Mr. Jacobsen, and voted unanimously 4-0.

Applicant:	Erin and John Martin
Project Address:	143 Taylor Avenue, Dedham, MA
Zoning District:	Single Residence B
Representative(s):	Erin Martin
Petition:	To be granted a Special Permit to be allowed to construct a new second floor over the existing house footprint which is 6 feet from the left property line instead of the required 10 feet, and 23 feet at the left front corner from the front property line instead of the required 25 feet. The property is located at 143 Taylor Ave, Dedham, MA in the Single Residence B Zoning District.
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Section 3.35.d Non-conforming single and two family residences, Section 4.32 Special Permit, Section 9.3 Special Permit, and Table 2 Dimensional Requirements.</i>

Mrs. Martin presented the petition, as their architect, Mollie Moran, was delayed. She was difficult to hear well. She said that they have a traditional Cape Cod style house, and would like to be granted a Special Permit to construct a new second floor over the existing house footprint which is 6 feet from the left property line instead of the required 10 feet, and 23 feet at the left front corner from the front property line instead of the required 25 feet. There are currently two bedrooms upstairs and a bathroom downstairs. They have three sons. They would like to add four bedrooms and two bathrooms on the second floor. They plan to tear down the wall between the living room and third bedrooms downstairs. They are not building closer to the property line, and are just going up; the house is nonconforming in that it is currently 6 feet from the left property line instead of the required 10 feet, and 23 feet at the left front corner from the front property line instead of the required 25 feet. It will not be made any more nonconforming. Ms. Moran arrived. She said there are already two bedrooms upstairs, but they are taking the shed off in back to make more room.

A petition signed by neighbors on Alden Street and Taylor Avenue was submitted in support of the petition. No one in the audience spoke in favor or in opposition to the petition. The Board had no other questions.

Mr. Steeves moved to grant a Special Permit to be allowed to construct a new second floor over the existing house footprint which is 6 feet from the left property line instead of the required 10 feet, and 23 feet at the left front corner from the front property line instead of the required 25 feet. The property is located at 143 Taylor Ave, Dedham, MA in the Single Residence B Zoning District. Mr. Mammone seconded the motion. The vote was unanimous at 4-0.

Review of Minutes

March 6, 2019: Mr. Steeves moved to approve the minutes, seconded by Mr. Mammone. The vote was unanimous at 4-0.

March 20, 2019: Mr. Jacobsen moved to approve the minutes, seconded by Mr. Steeves. The vote was unanimous at 4-0.

John Sisson, Community Development Director, District Improvement Finance Initiative

Mr. Sisson was in attendance to explain the District Improvement Finance Initiative (DIF) to the Board. He explained it is a financing method that would enable the Town to leverage future growth in the highway corridor into infrastructure improvements that would benefit everyone. DIF would allow the Town to convert a small portion of the highway's economic strength to heal the scar it has created to the landscape. DIF is not a new tax or a special assessment. It does not raise or lower anyone's taxes. It is not a spending or borrowing authorization. Spending or borrowing of DIF funds would be controlled by Town Meeting. Mr. Sisson had multiple hand outs and maps he had previously distributed to the board for their review and to answer their questions. There was a short discussion on the DIF and then a vote of support.

Mr. Panagopoulos moved to support Mr. Sisson's initiative, seconded by Mr. Steeves. The vote was unanimous. A letter will be drafted to reflect this.

Mr. Steeves moved to adjourn the meeting at 8:30 pm, seconded by Mr. Mammone. The vote was unanimous.