

**TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS**

James F. McGrail, Chair
J. Gregory Jacobsen, Vice Chair
Scott M. Steeves
Jason L. Mammone, P.E.
Sara Rosenthal, AIA, LEED AP, NCARB



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**ZONING BOARD OF APPEALS
MINUTES**

Wednesday, October 16, 2019, 7:00 pm, Lower Conference Room

Present: James F. McGrail, Chair
J. Gregory Jacobsen, Vice Chair
Scott M. Steeves
Jason L. Mammone, P.E.
Sara Rosenthal, AIA, LEED AP, NCARB

Staff: Jeremy Rosenberger, Town Planner
Jennifer Doherty, Administrative Assistant

The meeting was brought to order at 7:00 pm. 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:	Nesti Ropi
Project Address:	27-29-31 Curve Street
Zoning District:	SRB Map and Lot 96/74.
Legal Notice:	The Applicant requests a Special Permit to be allowed to convert the existing nonconforming mixed-use building containing four dwelling units and an auto parts storage room accessory to an automobile repair garage to a nonconforming five-unit residential building.
Section of Zoning Bylaw:	<i>Town of Dedham Bylaw Section 3.3.2 (2)</i>
Representatives:	Edward Richardson, Esquire

This hearing was continued from the September 18, 2019 meeting. Edward Richardson, Esquire was in attendance with his client, Nesti Ropi. The Applicant had received the support of two neighbors, from 21 Curve Street and 26 Curve Street. He wished to make it clear that they were not changing the garage at all and there was no structural change to the building at all. They only wished to change the use of the storage area in the building that already existed. Chairman McGrail explained that the concern of the neighbors last time had been the parking. There was a discussion among the Board members and Attorney Richardson as to the number of allowed parking spaces for the use. The space they wished to convert used to be for storage of the automobile parts and related equipment

Chairman McGrail stated it is a four-unit residence that they are wishing to convert to a five-unit residence, and could they satisfy the neighbors concerns about parking. He then asked what the garage was currently being used for. The answer was it is currently empty. Chairman McGrail asked if it was the applicant’s intention to use the garage for parking. The Planning Board would need to approve the use whatever it is converted to, so they were not sure what they would do with it yet. Chairman McGrail asked if there were questions from the audience. There were no questions.

Greg Jacobsen made a motion to approve the Special Permit as requested, and Sara Rosenthal seconded the motion. The motion was voted in favor 4-1, with Scott Steeves voting no.

Applicant:	Whole Foods Market
Project Address:	300 Legacy Place
Zoning District:	Research, Development, and Office (RDO)
Legal Notice:	The Applicant seeks to be allowed a Special Permit to house a temporary trailer behind Whole Foods Market from November 8, 2019, to November 29, 2019, for storage during the holiday season. The property is located at 300 Legacy Place, Dedham, MA.
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Section 3.2.1 Trailers.</i>
Representatives:	Steven Coletti of Whole Foods

Steven Coletti of Whole Foods was in attendance for the applicant. Every year Whole Foods asked to house a trailer on the property to store extra turkeys for the Thanksgiving holidays. It would be refrigerator storage. Scott Steeves made a motion to approve the Special Permit, and the motion was seconded by Gregory Jacobson. All were in favor, 5-0. Unanimous.

Applicant:	Shiloh Limited Liability Company
Project Address:	22 Harding Terrace
Zoning District:	Single Residence B Zoning District (SRB)
Legal Notice:	The Applicant, requests a Special Permit to construct 3 rd floor dormers; proposed dormers would be an intensification of pre-existing nonconforming front yard setback (20.1 ft.) and side yard setbacks (3.5 ft and 6 ft.), where 25 ft. is required for a front yard setback and 10 ft. is required for side yard setback. The property is located at 22 Harding Terrace.
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Sections 3.3, 4.1, 9.2 and 9.3.</i>

Manning Dafnus from Shiloh LLC.

Chairman McGrail asked if they lived at the property. The answer was no, it was an investment property. Mr. Dafnus explained that they had spent some time looking at this property. It had unfortunately been condemned to fire several years ago. They are now proposing an addition of 3rd floor for the sake of better market ability, several have expressed support and interest. They stated Charlie Kruger was in support but was out of town. Most seem to be in favor of rehabbing this house because it is presently an eyesore.

Chairman McGrail asked: Are you planning on tearing it down? The answer was no, it was still salvageable, they were planning to add a dormer, but keep it a single-family home still. Greg Jacobsen asked if prior to the fire was it used as a two-family home? The applicant answered that to their knowledge, no, it had always been a single-family home.

There was a short discussion as to the side setback request, whether it was for 3.4 or 3.5 feet. The application stated 3.4 but the advertisement had said 3.5. It was in fact 3.4. Sara Rosenthal asked what the enclosed area on the top floor was for, it was an opening next to the stairs and she wondered if that was to be a closet. It was explained it would just open below to the other side, it was not to be a closet. Chairman McGrail then opened questions up to the audience:

Neil Sweeny, and Christin Sweeny of 21 Harding Terrace: They were against it. Vinny their neighbor was against it. They have lived there for 22 years. They did not know what Charlie Kreuger had to do with it, they stated he doesn't even live there. They stated the way the houses were built that if the applicant put in a dormer it would look directly into a skylight that looked into their bathroom. They further stated parking is a big issue, and the trash in the applicant's yard is a big issue. They stated the trash had been there for two weeks and the smell was so bad they could not use their back yard.

Chairman McGrail stated that the roof lines are all the same and this is the only one that would be different. He further stated that the applicants seemed like good people that were just trying to make a living. He recommended continuing the hearing until the next

meeting in order to give both parties a chance to resolve their differences or come to some agreement.

Mr. Sweeney said he did not see a way to reconcile the matter other than keeping the house as is. To which Chairman McGrail replied that the applicant could keep it the way it is, or he can change it, but that it would be helpful to both parties to get each other's thoughts.

Greg Jacobsen remarked that he could not find from the plans how high the structure would be. Jeremy Rosenberger, Town Planner, said it looked like it is about 28 feet plus or minus depending on the grade.

Sara Rosenthal looked over the plans and she said looking at the elevations there is one side that does not have windows, if the plan could flip then it would not impact the visibility. The Applicant mentioned they may be able to not have a window there so that they could not see out into the neighbor's bathroom. It was a possibility they would discuss. The Chairman asked if they could please try to meet with any other direct neighbors and meet with the Sweeneys.

Scott Steeves made a motion to continue the hearing until November 20th at 7:00 pm. The motion was seconded by Gregory Jacobsen, and all were in favor, 5-0.

Applicant:	Keith M. Mahoney
Project Address:	142 Curve Street
Zoning District:	Zoning District Single Residence B (SRB), Map 78, Lot 6.
Legal Notice:	The Applicant requests a Variance for an eight (8) foot side setback instead of the required 15 feet, and a 14 feet 7 inches front setback instead of the required 25 feet to construct a 2 nd story addition with a two-car garage underneath.
Section of Zoning Bylaw:	Town of Dedham Bylaw Sections 3.3, 4.1, 9.2, and 9.3.

Keith Mahoney was in attendance and representing himself. He explained that he and his wife were trying to make more space for their family. They would be going up and back but otherwise the house footprint would remain the same.

Chairman McGrail asked if there was anyone from the audience who wished to speak on this petition, and there was not. He also showed a petition that the applicant had submitted with the support of all of the neighbors. There were no questions from the Board.

Scott Steeves made a motion to approve the applicant's proposal. The motion was seconded by Greg Jacobsen and all were in favor, 5-0.

Applicant:	Azis Sharxhi
Project Address:	37 Farrington Ave
Zoning District:	Map 56, Lot 33, in a General Residence Zoning District (GR)
Legal Notice:	The Applicant requests a Special Permit and/or Variance to construct a front porch and second story rear addition; proposed additions would intensify and maintain pre-existing nonconforming front yard setback (7.3 ft.) and right side yard setback (8.3 ft.), where 25 ft. is required for a front yard setback and 10 ft. is required for a side yard setback.
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Sections 3.3, 4.1, 9.2 and 9.3.</i>

Peter Hinney was a builder working for the Applicant and was in attendance to explain the project. He explained the existing house had 3 bedrooms and 1 bathroom. They wished to expand the bedrooms and add an additional bathroom for their expanding family.

Jason Mammone had a question as to the shed, he was not sure if it was on the property or off the property based the plans. A short discussion ensued as to where the property lines were, it was a newly bought property by the applicant. The builder stated that the shed was a plastic one and could be easily moved if needed. The Board requested they please move the shed to within their property lines. The applicant agreed.

Scott Steeves made a motion to approve the applicant’s proposal as presented. The motion was seconded by Gregory Jacobsen, and all were in favor, 5-0.

Approval of Minutes

August 2019 – Greg Jacobsen made a motion to approve the minutes as presented, Scott Steeves seconded the motion and all were in favor, 4-0. (It should be noted that Sara Rosenthal had not been appointed to the ZBA in August and therefore did not vote on the minutes).

September 2019 – Greg Jacobsen made a motion to approve the minutes as presented, Scott Steeves seconded the motion and all were in favor, 5-0.

Old Business

Chairman McGrail and Jeremy Rosenberger explained that previously one of the conditions put forth for the approval of Needham Public Safety Tower had been that the Town of Dedham would never have to pay for the right to use it and will always have access to

it. As an administrative measure a cover sheet would be added to the official decision that has already been filed in the Clerk's Office stating these two conditions.

Scott Steeves made a motion to amend the decision and add the administrative cover sheet of conditions. Greg Jacobsen seconded the motion. All were in favor.

As Andrew Pepoli was not in attendance, he would sign it later.

Scott Steeves made a motion to adjourn the meeting at 7:36 pm, and Greg Jacobsen seconded the motion. All were in favor.