

**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



Dedham Town Hall
 26 Bryant Street
 Dedham, MA 02026-4458
 Phone 781-751-9242
 Fax 781-751-9225

George Panagopoulos, Associate Member
 Andrew Pepoli, Associate Member

Jeremy Rosenberger
 Town Planner
jrosenberger@dedham-ma.gov

**ZONING BOARD OF APPEALS
MINUTES**

Wednesday, November 20, 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:	Shiloh Limited Liability Company
Project Address:	22 Harding Terrace
Zoning District:	Map 97, Lot 43, in a Single Residence B Zoning
Legal Notice:	The Zoning Board of Appeals for the Town of Dedham, Massachusetts, will hold a public hearing in the Town Hall Office Building, Lower Conference Room 26 Bryant Street, Dedham, MA at <u>7:00 p.m., Wednesday, October 16, 2019 at 7:00 pm on the application of, of 20 Whitney Drive, Sherborn, MA.</u> 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.

Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Sections 3.3, 4.1, 9.2 and 9.3.</i>
Representatives:	

This was a continuance from the October 16, 2019 meeting. Manning Dafnus from Shiloh LLC was in attendance for the proposal. Chairman McGrail explained to the audience that the last time the applicant had been before the Board, there had been concerns from the direct abutters and others in the neighborhood as to height. etc. He then asked the applicant if he had met with the concerned neighbor. Both parties stated they had not been able to meet. The Applicant went to the neighbor's house, but they did not meet. The applicant stated that he had talked with other neighbors, an abutter, who had submitted a letter of approval. He understood that did not negate the concern at hand with these abutters, but he would like to be able to resolve the matter with them, but he was not sure how.

Leo Sweeny of 26 Harding Terrace stated that the existing distance between houses being out of code should be able to stop it. Chairman McGrail asked if there was anything the applicant could do to make them in favor of the project?

Mr. Sweeny replied no, nothing. He felt it was an eyesore that looked out of place. Chairman McGrail explained that the house needs to be removed and a new house needs to be built. He then asked the neighbors what would they be in favor of? They stated they would like something that mimics the original house, or perhaps the addition of a farmer's porch.

Chairman McGrail asked if there was anyone else in attendance who wished to speak on the project?

Vinny Hoban of 21 Harding Terrace stated "I was there when it was on fire, I called the fire department, it almost lit his house on fire too (The Sweeny's). I am against.

Chairman McGrail stated that he realized from the applicant's point of view it was an investment property, and he felt the applicant was to be commended for wanting to redo the house as it had been more than a year since the fire and something needed to be done. He also stated that he respected the applicant for saying he wanted to work it out. Chairman McGrail wished for the applicant and the abutters to try one more time to meet and come to an agreement. The Board agreed to meet again earlier than the next meeting to accommodate the two parties.

A motion was made by Scott Steeves to continue the meeting until Monday, December 2, 2019 at 6:30 pm. The motion was seconded by Greg Jacobsen, and all agreed, 5-0.

Applicant:	Federal Realty Investment Trust
Project Address:	685 Providence Highway
Zoning District:	Map 122 Lots 3 & 4, Highway Business Zoning District, Single Residence B Zoning District and Aquifer Overlay District.
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, November 20, 2019, on the petition of Federal Realty Investment Trust, 450 Artisan Way, Suite 320, Somerville, MA. The Applicant requests a Special Permit for greater than 25% impervious lot area within an Aquifer Protection Overlay District and a Special Permit to extend an active use 10 ft. into the adjacent zoning district; Applicant seeks to demolish existing single story automotive service building and to construct a +/- 7,400 sq. ft. retail building with associated parking, landscape and utility infrastructure.
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Sections 2.1.4.3, 8.2, 9.2 and 9.3.</i>
Representatives:	

The Applicant had requested that the matter be continued. Scott Steeves made a motion to continue the matter to the December 18, 2019 meeting at 7:00 pm. The motion was seconded by Greg Jacobsen, and all agreed, 5-0.

Applicant:	Warren and Lu Ann Reeb
Project Address:	16 Federal Lane
Zoning District:	Map 135 Lot 34, Single Residence B Zoning District
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, November 20, 2019, on the petition of Warren and Lu Ann Reeb, 288 Highland Street, Dedham, MA. The Applicant requests Variances for an existing lot improved by a single-family dwelling to have less than the allowed minimum frontage of 95 ft. (+/- 52.13 ft.) and a lot width of less than the allowed minimum lot width of 95 ft. (+/- 52.13 ft.).

Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Sections 4.1 (Table 2), 9.2 and 9.3.</i>
Representatives:	Peter A. Zahka, Esquire

Peter Zahka was in attendance and representing the applicants Warren and Lu Ann Reeb, who were also in attendance. Attorney Zahka passed out updated plans to the Board. He explained the project. It was on a private way off Highland St, the house is 24,713 sf of which 52.13 feet currently sits on Highland Street. On the plans before the Board, the orange marked area was where the subject property currently existed. He explained that back in 1955 the subject property only consisted of the area marked as number one on the plans. There are 3 lots now and 2 & 3 have never been recognized. If the Board were to approve the proposal, then it would consist as one lot for zoning purposes.

There was some confusion as to what was being asked so Attorney Zahka explained the project this way: “Forget there is a house there – this lot has approximately 25K sf and 52 feet frontage, I want a variance to make this the front and this the back. This would create a buildable lot. Even if the house comes down it is still a buildable lot. They have the side setback requirements; they have room to put an addition. They just bought it.”

Jason Mammone: “Why don’t we just combine all the lots into one?”

Attorney Zahka: “You can in your decision. Does the assessor show this as one lot?”

A short discussion ensued as to future use, and right of way with easements. It was explained they may not always live there so the Board needed to take the future into consideration.

Chairman McGrail asked “You would not be opposed to establishing this as one lot?”

Attorney Zahka replied “Yes, we are fine with that.”

Chairman McGrail asked if there was anyone in attendance in the audience to speak either for or against the project, and there was not.

Jason Mammone made a motion to approve the variance for the project and as contingent upon being formalized as one lot under this variance. Scott Steeves seconded the motion, and all agreed, 5-0.

Applicant:	Avi Kurlantzick
Project Address:	7 Bussey Street
Zoning District:	Map 60 Lot 1 and is within a Single Residence B Zoning District.
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, November 20, 2019, on the petition of Avi Kurlantzick, 7 Bussey Street, Dedham, MA. The Applicant requests Variances and/or Special

	Permits to demolish existing +/-1,560 sq. ft. single family dwelling and construct a new +/- 2,700 sq. ft. single family dwelling; existing lot provides lot area of 6,024 sq. ft. where 12,500 sq. ft. is required, provides lot width of 83.4 ft. where 95 ft. is required, provides lot frontage of 83.4 ft. of frontage where 95 ft. is required, and provides side yard setbacks of 11.1 ft. and 13 ft. where 15 ft. is required.
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Sections 4.1 (Table 2), 9.2 and 9.3.</i>
Representatives:	Peter A. Zahka, Esquire

Attorney Peter A. Zahka was in attendance for the applicant, as was the applicant himself. He explained the proposal and the relief being asked for. There had been a previous ANR plan from 1999. There had been an 81L exception for this property. However, that did not give the property any zoning rights which could have inadvertently created non-conforming lots. The applicants would like to demolish the house and build a new one in its place. The applicants live in the house and wish to remain there. It is a pre-existing, nonconforming house in several ways, and on an odd shaped lot. Right of way that goes from Boston - town line between Boston and Dedham. None of the properties have a driveway. They all have a right of way to get in. They checked with abutters. Support petition included.

Chairman McGrail asked if there were any height issues? The Attorney replied no, there were not. The house being proposed is almost 34 feet. The current house is very short, probably 20 feet high. Jeremy Rosenberger, Town Planner noted for the Board that per the merits of the bylaw they met the requirements for the setback relief and therefore did not need approval for that. They did not need front yard relief.

Jason Mammone asked about the rear yard setback. He could not tell if they met the requirements because he could not tell where the lines were on the plan. It was stated that the setback was well in excess of 25 feet. Attorney Zahka stated that the applicant would accept as a condition of the decision that the engineer add the dimensions to the garage in the certified plans.

Mr. Mammone had a question regarding the garage and the proposed deck. He wished to know if the new deck created issues with the easement on the property.

Attorney Zahka explained that in his opinion the deck would not interfere with the easement language even though it was on the opposite side from the garage. You would not be taking away anyone's rights.

Chairman McGrail asked if there was anyone in the audience who wished to speak on this matter, and there were none.

Jason Mammone made a motion to accept the proposal with the condition that the dimensions from the deck and garage to the setbacks be added to the engineer plans and submitted to the planning department. Greg Jacobson seconded the motion, and all were in favor, 5-0.

Minutes

Scott Steeves made a motion to approve the minutes from the October 16, 2019 meeting. Greg Jacobsen seconded the motion, and all agreed, 5-0.

Old Business

Jeremy Rosenberger, Town Planner, had a form for the Board to sign that certified the Board had allowed a previous applicant to withdraw without prejudices.

Schedule 2020

Greg Jacobsen made a motion to approve the new schedule for the calendar year 2020. Scott Steeves seconded the motion, and all were in favor, 5-0.

Jeremy Rosenberger reminded the Board that the Livable Dedham event would be held on December 2 if any of them wished to attend. Chairman McGrail stated that he had been to several Livable Dedham forums and he felt they were very well run, and very informative. He encouraged everyone to attend.

A motion was made to adjourn at 7:47 pm and all were in favor.