

**TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS**



Members

Scott M. Steeves, Chair
Sara Rosenthal, AIA, LEED AP, Vice Chair
J. Gregory Jacobsen
Jason L. Mammone, P.E.
Tom Ryan, Esquire

ASSOCIATE MEMBERS

George Panagopoulos
Andrew Pepoli

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**ZONING BOARD OF APPEALS
MINUTES**

**Wednesday, December 16, 2020, 6:00 pm
Remote meeting by Zoom**

Present: Scott M. Steeves, Chair
Sara Rosenthal, AIA, LEED AP, NCARB, Vice Chair
J. Gregory Jacobsen
Tom Ryan, Esq., Member
Andrew Pepoli, Associate Member

Not Present: Member, Jason L. Mammone, P.E.
Associate Member, George Panagopoulos

Staff: Jeremy Rosenberger, Town Planner
Jennifer Doherty, Administrative Assistant
Michelle Tinger, Community Planning and Engagement Specialist

The meeting began at **6:00 pm** on the night of **Wednesday, December 16, 2020**. The Chairman opened the meeting by reading the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Town of Dedham's Zoning Board of Appeals is being conducted via remote participation by video meeting. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. A reminder that persons who would like to listen to this meeting while in progress may do so by dialing toll-free 1-646-558-8656,

The access code is 919 7002 0615. Again, the toll-free number is 1-646-558-8656. The access code is 919 7002 0615 . The meeting was also being recorded and streaming live on Facebook. The Chairman then reviewed video procedures and policy.

The Chairman then asked for a roll call of the attendees. In attendance on the conference call were:

Vice Chair, Sara Rosenthal

Member, Gregory Jacobsen

Member, Tom Ryan

Associate Member, Andrew Pepoli

Chairman, Scott Steeves

Planning Director, Town of Dedham: Jeremy Rosenberger

Planning Administrative Assistant: Jennifer Doherty

Community Planning and Engagement specialist for the Town of Dedham: Michelle Tinger

Not in attendance: Associate Member, George Panagopoulos

The Chairman continued by explaining that the first order of business was a review of the sign code study by a consultant, Emily Innes, Harriman and Company.

Sign Code Study

Jeremy Rosenberger, Planning Director, introduced Emily Innes from Harriman who did the consulting work for the Sign Code Bylaws. He also explained that although the Sign Code had a good foundation there were a lot of areas for improvement and areas of it that were quite confusing. Signage for the town had the Planning Department's highest number of applications. Our department also worked closely with the Building Department regarding the signage, and as they knew, the Design Review Board and the Zoning Board of Appeals received a lot of sign applications. As this played such a large part of our work, money had been allocated towards the study by Town Meeting to help clarify the rules and make the process easier to understand. The department had been planning on rolling out an interactive process with the town but unfortunately it began in April 2020, right as the pandemic had hit.

Emily Innes explained that from an in-depth analysis, from looking at every single sign in Dedham, and at regulations in other towns, they had developed recommendations for the new Sign Code. It was also worth noting that the technology for signs was changing as well. Jeremy also chimed in with the fact that signs above the roof line currently needed a waiver, and this caused a lot of applications to come before the Zoning Board of Appeals as well. In addition, any internal illumination in signs was also highly regulated.

Emily explained they did two rounds of public engagement. The key pieces from this were the code itself, how the code was applied, the process for the applicant and the boards, and issues and opportunities. One key issue to think about was signs being free speech and how this affected our process. Dedham having an advisory board for signage was unique.

Recommendations were changes to legal standards, signage regulations be better aligned with the zoning districts, and the process of review and approval. Setting up criteria so that it is clear. Possibly enacting some administrative approval for simple signage that can be easily defined and meets the criteria. Making tenant signage clearer for multi-tenant establishments. How to make this a more efficient process for everyone from start to finish, for applicants, the department, and the boards. Getting rid of outdated standards, for instance brand color names that may be discontinued.

The biggest recommendation that would cause the most change was to give the Design Review Board some more authority in granting approval for signs. As of right now applicants very often had to go to the DRAB and the ZBA for approval. There had been no instances where the ZBA had denied a sign that DRAB had favorably recommended. In addition, the Design Review Board did spend considerable time reviewing signage, the designs and how they impacted neighborhoods, for the benefit of the public. It would of course need to go before Town Meeting before it could be changed, but the department was opening it up to the boards for initial thoughts.

Scott Steeves expressed that it did seem redundant to have two boards doing the exact same review of signage. Especially since in 99.9% of the time, the Zoning Board agreed with the Design Review Board, he felt it was a reasonable request to grant the DRAB some additional authority over signage.

Tom Ryan asked if they could explain the process of DRAB and how people were notified. Jeremy Rosenberger explained that the Planning Department oversaw three boards, the Planning Board, the ZBA, and DRAB. DRAB was appointed by the Select Board and it was dictated as to who they could be. DRAB must consist of an architect, an urban design professional, a landscape design professional, and a historic building background professional. They also have a review of building facades. There is no abutter notification for DRAB, however meeting agendas are posted on the website and are public for anyone who wished to review them. They hold meetings, they are not public hearings, but they are almost the same as the ZBA meetings just without the state regulations. They then provide recommendations to the Planning Board and to the Zoning Board. As of right now, every single sign needs to go before the Design Review Board for approval.

Tom Ryan answered that he felt it was important to have that forum where people could come forward and speak their mind about signage in town. He was a little reluctant to hand over the process to a board that did not have the same notification process to abutters. Jeremy explained that the notification for waivers would not change and the process would be in place for the Design Review Board the same as it currently was for the ZBA. Tom asked if what they were looking to do was expand the powers of DRAB, and Jeremy explained expand but also streamline the process for applicants.

A short discussion ensued regarding neon signs.

Tom Ryan then asked about the table regarding awnings. The consultant explained that yes, they wished to change that table because it currently said that a manufacturer named Sunbrella, and the names of the company's colors, were specifically listed in the sign code bylaw. This needed to be removed because some of the colors were no longer in use, and it was too specific to name the manufacturer they wished to be used.

Sara Rosenthal asked how Boston approved colors for awnings. Jeremy, having worked there, said that the BRA oversaw sign review, and it was a negotiation. It depended on landmarks and historic districts as well.

Tom Ryan asked about the concern with roof lines. Currently there was a trigger for where a sign could be, and that was not above the lowest point of a roof. Many times, a sign was appropriate even though it went above the roof line. This meant the applicant had to come before the Zoning Board for a waiver. It seemed that the initial intent was to keep signs from being mounted on top of the roof, rather than raising somewhat above the roof line.

Sara Rosenthal explained that as a design professional who had to go to other towns for approval on projects, she appreciated the idea of streamlining the process. She was surprised that at times when a sign came before them they learned that the Design Review Board had already reviewed the sign in detail. She would support the changes to the bylaw.

Greg Jacobsen expressed that he too would also be in favor of streamlining the process between the Design Review Board and the Zoning Board of Appeals.

Jeremy stated that they would come back to the board at a later time with the draft language for the sign code bylaws.

98 Quincy Avenue

Applicant:	Raising Stars LLC, c/o Inga Yaghubyan
Project Address:	98 Quincy Avenue
Zoning District, Map/Lot:	General Residence (GR) Zoning District. Map/Lot 142-179,
Legal Notice:	Request for a Special Permit for a Family Day Care (large).
Section of Zoning Bylaw:	<i>Town of Dedham Bylaw Sections 3.1, 9.2, 9.3, and Table 1.</i>

This hearing had been continued from the November 18, 2020 meeting. The applicant was again asking for a continuance to the January 20, 2021.

Greg Jacobsen made a motion to continue the hearing until the January 20, 2021 meeting. The motion was seconded by Sara Rosenthal. A roll call vote was taken.

- Tom Ryan - yes
- Greg Jacobsen – yes
- Sara Rosenthal – yes
- Andrew Pepoli – yes
- Scott Steeves – yes

The motion passed and the hearing would be continued.

95 Kimball Road

Applicant:	Alexandra Pudney
Project Address:	95 Kimball Road
Zoning District, Map/Lot:	Single Residence B (SRB) Zoning District, Map 168, Lot 117
Legal Notice:	Request for a Special Permit to replace existing side deck with a mudroom (40.5 sq. ft.); proposed project would intensify pre-existing nonconforming right-side yard setback (9.5 existing, 5 ft. proposed and 10 ft is required).
Section of Zoning Bylaw:	<i>Town of Dedham Bylaw Section 3.3, 4.1, 9.2, 9.3 and Table 2.</i>

Alexandra Pudney was on the video call for the project. She explained that the existing side deck staircase that led upstairs to their house. She wished to enclose this area to have a covered, enclosed way from the garage to the house.

The Chairman asked if there were any comments from the board or from members of the public, and there were none.

A motion was made by Greg Jacobsen to approve the proposal as presented. A second to the motion was made by Tom Ryan, and a roll call vote was taken.

Greg Jacobsen - yes
Tom Ryan - yes
Sara Rosenthal – yes
Andrew Pepoli – yes
Scott Steeves – yes

The motion was approved unanimously, 5-0.

The public hearing was then closed.

93 Jersey Street

Applicant:	Andrew O’Sullivan
Project Address:	93 Jersey Street
Zoning District, Map/Lot:	Single Residence B (SRB) Zoning District, Map 125, Lot 39
Legal Notice:	Request for a Special Permit to convert part of an existing front porch to living space (+/- 263 sq. ft.); proposed project would maintain pre-existing nonconforming front setback of 22.4 ft. (25 ft. required).
Section of Zoning Bylaw:	<i>Town of Dedham Bylaw Section 3.3, 9.2, 9.3 and Table 2.</i>

Andrew Sullivan was on the video call for the project. He explained that they were hoping to convert some of their front porch area into living space and remove their upstairs front porch.

The Chairman asked if there were any comments from the board or from members of the public, and there were none.

A motion was made by Greg Jacobsen to approve the proposal as presented. A second to the motion was made by Sara Rosenthal, and a roll call vote was taken.

Greg Jacobsen - yes
Sara Rosenthal – yes
Tom Ryan - yes
Andrew Pepoli – yes

Scott Steeves – yes

The motion was approved unanimously, 5-0.

The public hearing was then closed.

172 Mount Vernon Street

Applicant:	Bridgett and Jean Alexis Paz
Project Address:	172 Mount Vernon Street
Zoning District, Map/Lot:	Single Residence B (SRB) Zoning District. Map 126, Lot 31,
Legal Notice:	Request for a Special Permit to construct an attached accessory dwelling unit (+/- 821 sq. ft.). The +/- 13,940 sq. ft.
Section of Zoning Bylaw:	<i>Town of Dedham Bylaw Sections 7.7, 9.2, 9.3 and Table 1.</i>

Ms. Bridget Paz was on the video call for the project. She explained that they wished to build an addition to the house for her mother. It was currently her mother’s house and they would be moving in with her and their children. Her mother would be living in the accessory dwelling unit.

The Chairman asked if there were any comments from the board. There was one member of the public who wished to speak.

Cecilia Butler of 163 Mount Vernon Street wished to convey her support for this project. She lived directly adjacent to the applicant.

A motion was made by Greg Jacobsen to approve the proposal as presented. A second to the motion was made by Tom Ryan, and a roll call vote was taken.

Greg Jacobsen - yes
Tom Ryan - yes
Sara Rosenthal – yes
Andrew Pepoli – yes
Scott Steeves – yes

The motion was approved unanimously, 5-0.

The public hearing was then closed.

Minutes

A motion was made by Greg Jacobsen to approve the minutes of September 16, 2020. Sara Rosenthal seconded the motion and a roll call vote was taken.

Greg Jacobsen - yes
Sara Rosenthal – yes
Tom Ryan - yes
Andrew Pepoli – yes
Scott Steeves – yes

The minutes were approved unanimously, 5-0.

Sara Rosenthal made a motion to adjourn the meeting. Tom Ryan seconded the motion to adjourn, and a roll call vote was taken.

Sara Rosenthal – yes
Tom Ryan - yes
Greg Jacobsen - yes
Andrew Pepoli – yes
Scott Steeves – yes

The meeting was adjourned at 7:15 p.m.