

**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

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ASSOCIATE MEMBERS

George Panagopoulos

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**ZONING BOARD OF APPEALS
MINUTES**

**Wednesday, February 17, 2021, 7:00 p.m.
Remote meeting by Zoom**

Present: Scott M. Steeves, Chair
Sara Rosenthal, AIA, LEED AP, NCARB, Vice Chair
J. Gregory Jacobsen
Jason L. Mammone, P.E.
Tom Ryan, Esq., Member
George Panagopoulos, Associate Member

Not Present: Jennifer Doherty, Administrative Assistant

Staff: Jeremy Rosenberger, Town Planner
Michelle Tinger, Community Planning and Engagement Specialist

The meeting began at **7:00 pm** on the night of **Wednesday, February 17, 2021**. 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. The Chairman then reviewed video procedures and protocol.

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, Jason Mammone

Member, Tom Ryan

Associate Member, George Panagopoulos

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

The Chairman continued with the first applicant:

980 Washington Street

Applicant:	Adams Ahern Sign Solutions, Inc.
Project Address:	980 Washington Street
Zoning District, Map/Lot:	Research Development & Office (RDO) Zoning District Map 160, Lot 36
Legal Notice:	Request for a waiver for a 99 sq/ ft. wall sign that is 52.2 ft. from grade to top of sign (25 ft. above grade is not allowed).
Section of Zoning Bylaw:	<i>Town of Dedham Sign Code Section 237-19 (E)</i>

The first applicant had requested to withdraw without prejudice.

A motion was made by Sara Rosenthal to approve the withdrawal without prejudice. The motion was seconded by Greg Jacobsen and a roll call vote was taken.

Sara Rosenthal – yes

Greg Jacobsen – yes

Jason Mammone – yes

Tom Ryan - yes

George Panagopoulos – yes

Scott Steeves – yes

The motion passed unanimously, 6-0. The application will be withdrawn without prejudice.

900 Providence Highway

Applicant:	Mavis Tires & Brakes/Site Enhancement Services
Project Address:	900 Providence Highway
Zoning District, Map/Lot:	Highway Business District, Map 149 Lot 13
Legal Notice:	Request for a waiver to install three (3), 48.5 sq. ft. illuminated wall signs; proposed signage exceeds allowable wall sign height
Section of Zoning Bylaw:	<i>Town of Dedham Sign Code Section 237-19 (D) and 237-19 (E)</i>

Sean from Mavis Tire and Brakes was on the video call representing the applicant. They were looking to replace some of the signs that were previously on the property. One of the signs would be above the height allowable.

George Panagopoulos asked if the lights were on a timer. The applicant answered that typically they kept their sign on for one hour after closing. He was happy to put it on a timer if requested.

Scott Steeves asked if the applicant had gone before the Design Review Advisory Board yet and the applicant answered yes, they had, and it had been recommended. Jeremy Rosenberger, Planning Director, stated that the DRAB recommendation had actually mentioned that the portion of the sign that read “At Discount Prices” be removed from the sign and therefore the letters could be enlarged. However, this was the store’s logo and there were 1400 stores already using this sign.

Anita Andressi of 37 Orchard Street was in the direct line of sight of this applicant. She had contacted the building department and the Building Commissioner had spoke with the applicant. The light was now on a timer.

A motion was made by George Panagopoulos to approve the proposal as presented with the condition that the illuminated lights be on a timer that would turn the lights off no later than one hour after close of business. The motion was seconded by Greg Jacobsen and a roll call vote was taken.

George Panagopoulos – yes
Greg Jacobsen – yes
Sara Rosenthal – yes
Tom Ryan – yes

Jason Mammone – yes
Scott Steeves - yes

The motion passed unanimously, 6-0.

259 Washington Street

Applicant:	Recovery Connection Centers of America, Inc.
Project Address:	259 Washington Street
Zoning District, Map/Lot:	Highway Business (HB) Zoning District Map 93, Lot 8
Legal Notice:	Requests a Special Permit for a proposed 1,125 sq. ft. Substance Abuse Treatment Clinic (no dispensing of medication to occur at subject property).
Section of Zoning Bylaw:	<i>Town of Dedham Bylaw Section 3.1, 9.2, 9.3, and Table 1.</i>

Attorneys Susan DeBlasio and Christine DiBiase with the firm Addler, Pollak and Sheehan with offices in Boston and Rhode Island, were both on the video call to represent the applicant. Attorney DeBlasio stated that she had learned this very day that there was a Change.org petition going around the town in opposition to the facility. For this reason, the Applicant would like to ask for a continuance so that they may have an opportunity to educate the public on what they do. She also stated that there had been some minor improvements done at the property as a result of miscommunication with a subcontractor, they would like the opportunity to resolve this matter as well.

A motion was made by Sara Rosenthal to continue this application to the March 17, 2021 meeting at 7:00 pm. The motion was seconded by Tom Ryan. A roll call vote was taken.

Greg Jacobsen – yes
Sara Rosenthal – yes
Tom Ryan – yes
Jason Mammone – yes
George Panagopolous – no
Scott Steeves - yes

The motion passed 5-1 and the application was continued to March 17, 2021 at 7:00 pm.

The Applicant was also asked by the board to please submit reading materials, perhaps brochures from their organization, prior to the next meeting.

63 Colonial Drive

Applicant:	B&L Elite Builders, LLC c/o Lyndenberg Duque
Project Address:	63 Colonial Drive
Zoning District, Map/Lot:	Single Residence B (SRB) Zoning District, Map 79, Lot 129
Legal Notice:	Request for a Variance to construct a +/- 2,900 sq. ft. single family dwelling; proposed dwelling would not meet the required front yard setback (10.5 ft. provided, 25 ft. required).
Section of Zoning Bylaw:	<i>Town of Dedham Bylaw Section 4.5, 9.2, 9.3 and Table 2</i>

Lyndenberg Duque was on the video call. The applicant explained that they understood the issues that occurred previously with this lot. However, the house construction had been approved as had the easement, and they were looking to build that house now. He was the rightful owner of this property. They would also like to move forward with granting the easement through the property for the neighbor.

The Chairman asked if there were any questions or comments from the public.

Public Input:

Stacy Ryder of 44 Colonial Drive was concerned about anything being built on this site as she stated it was all ledge and would need to be blasted. She is worried that when the blasting occurs it would cause cracks and then flooding in her house. She also stated that the house that was being proposed was too big for this property. She felt it was twice the size of what would be reasonable for this lot. She further expressed that the traffic in the neighborhood already made it difficult for cars to pull out, adding a house here would make it worse. She said her neighbor had also sent in a letter in opposition to this project.

Mark and Jane Hagopian of 71 Colonial Drive expressed that they have the exact same concerns as Ms. Ryder. They are worried about the foundation as they house is very old. They are also concerned about backing out of their driveway because the street is two way but extremely narrow. Having construction or deliveries in this area is very disrupting to the neighborhood.

Ed Cooley was an attorney who represented *Angela Cerruti* of 4 Greenhood Street. He stated his client had many concerns. To begin, the application was not sufficient. The setback requirements for the application were not sufficiently filled out. The hardship stated was only the shape of the lot and that was not enough. He continued by addressing the maximum lot coverage. He continued by stating that his client had Adverse Possession right to this property and he had sent a letter to the Archdiocese of Boston (the previous owner of the lot) in December of 2020 to that affect, before this application had been

filed. Also, the applicant had stated that the plans for the house were the same as the previous plans that had been approved already. However, the prior plans were for a maximum 2000 sf house and these plans are for a 2900sf house, so this is not accurate. He contests that this was previously approved. He also maintained that the Board did not have the authority to grant a variance for this property due to the bylaw and requirements for them. A smaller house may meet the requirements if the setbacks were also met.

Nicky Tenerman of 87 Thomas Street felt that the house was way too large for the lot. She also did not know how the garage would fit on this lot. She echoed the concerns of others regarding street traffic.

Angie Cerruti of 4 Greenhood Street. As a direct abutter to this lot, she is very concerned about the foundation and any potential blasting that might be done. It is a very small lot, and she could not imagine the size of this house being able to fit there. She also had concerns about the impact to traffic.

Steve Mellen of 65 Colonial Drive stated that the plan drawings were exactly the same as the older ones, but bigger. As a direct abutter he felt that this project would produce hardship for him. He stated this was a very small area that has ledge, and this ledge carries through into all of the neighbors' yards. He felt that putting a house here did not work. His biggest concern was losing his driveway and garage.

Nicole - sent a chat message stating she was opposed to this project. She was having technical problems.

Stacy Ryder of 44 Colonial Drive spoke again. She stated there was no room for the construction vehicles to build a house at this property. When her property was surveyed, she had to do the entire strip of land, and she therefore questions the property lines. The abutter on the left side was going to lose his driveway and garage, and this would devalue his property. There is not enough room to build a house on this property.

Ed Cooley spoke again. He stated Mr. Mellen had a copy of the old plans except they were larger in square feet. Mr. Cooley therefore stated that these were not the same plans.

Mr. Duque, in regard to blasting, they had no intention of blasting and were only going to drill. As to the size of the house, he felt there had not been a proper plot plan done before. Regarding Mr. Mellen's property, they had every intention granting easement rights to his property. Regarding Mrs. Cerruti, her fence was encroaching onto the 63 Colonial Drive property, but they were willing to give her an easement to keep her fence there. He also felt that bringing a new house to the neighborhood that would sell for more than others that had been sold in the past would help increase the neighbor's property values, not bring them down.

Board Input:

Tom Ryan asked of the owner when he purchased this land and whom did he purchase it from. The answer was a year to a year and a half ago, and it was bought from The Archdiocese of Boston. At this point Planning Director Jeremy Rosenberger stated that the gentleman did not own the property, he had a letter of intent from the Archdiocese, but he did not own it yet. Mr. Duque stated that was correct, they had a letter of intent that stated they would purchase the property if they could get the proper approvals to build on the land. The price would be \$100,000 for the lot. Mr. Ryan felt there were a lot of questions that could be answered, and the applicant could have been better prepared given the amount of opposition.

The Chairman Scott Steeves recommended that the applicant try to discuss with the neighbors some of their concerns and then come back at a later date.

Mr. Jason Mammone asked if they would be willing to build something else on this property if this application was denied, and they were not. The applicant would only purchase the property if he could build the intended house as shown in these plans.

A motion was made by Greg Jacobsen to move the application to the March 17, 2021 meeting. The motion was seconded by George Panagopoulos, and a roll call vote was taken.

- Greg Jacobsen – yes
- Sara Rosenthal – yes
- Tom Ryan – yes
- Jason Mammone – yes
- George Panagopolous – yes
- Scott Steeves - yes

The motion passed 6-0 and the application was continued to March 17, 2021 at 7:00 pm.

8 Bates Court

Applicant:	Danielle Forte
Project Address:	8 Bates Court
Zoning District, Map/Lot:	Single Residence B (SRB) Zoning District , Map 91, Lot 8
Legal Notice:	Request for a Special Permit for adding additional living sq. ft. and extending existing porch to 25.5 sq. ft.; proposed additions would intensify pre-existing non-conforming front and side yard setbacks.
Section of Zoning Bylaw:	<i>Town of Dedham Bylaws Section 3.3, 3.3.1, 3.3.3, 9.2, 9.3, and Table 2</i>

Danielle Forte was on the video call to represent her project. She was joined by her husband Steven Conway. She explained the house needed a lot of work as it was built in

1850. They wanted to raise the roof height to add a third floor. She is an interior designer, so she worked on the plans to make sure that the neighbor's privacy was not impacted.

There were no questions from the Board. One member of the public wished to speak.

Wendy Matthews of 29 Bullard Street, neighbor of the applicant and direct abutter. She wished to know how the project (if granted) would adversely affect her property. Ms. Forte replied that it would be a big undertaking in construction, and then they would redo the landscaping and fence. Ms. Matthews asked if they would need to pour a foundation. Ms. Forte stated she only just learned about possible flooding issues so she was not sure at all.

Ms. Matthews was in support of the project.

There were no other members of the public.

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

- Greg Jacobsen – yes
- Sara Rosenthal – yes
- Tom Ryan – yes
- Jason Mammone – yes
- George Panagopolous – yes
- Scott Steeves - yes

The motion passed 6-0 and the application was continued to March 17, 2021 at 7:00 pm.

55 Norwell Road

Applicant:	Mike & Mary Forte
Project Address:	55 Norwell Road
Zoning District, Map/Lot:	Single Residence B (SRB) Zoning District, Map 126, lot 60
Legal Notice:	Request for a Variance to construct an addition to connect the rear detached garage to the single-family dwelling and to construct a second story above the garage; proposed rear addition/garage would not meet the required rear yard setback (7 ft. provided, 20 ft. required).
Section of Zoning Bylaw:	<i>Town of Dedham Section 9.2, and Table 2</i>

Mary Butler and Mike Forde, the applicants of the property, were on the video call. Ms. Butler also mentioned that Molly Moran, who had assisted them with their design, was available on the call. Ms. Butler described the property and why they wished to construct an addition and connect the garage.

There were no members of the Board who wished to speak, and no members of the public.

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

- Greg Jacobsen – yes
- Sara Rosenthal – yes
- Tom Ryan – yes
- Jason Mammone – yes
- George Panagopolous – yes
- Scott Steeves - yes

The motion passed unanimously, 6-0.

25 Boathouse Lane

Applicant:	Mollie Moran
Project Address:	25 Boathouse Lane
Zoning District, Map/Lot:	Single Residence B (SRB) Zoning District Map 74, Lot 32
Legal Notice:	Request for a Special Permit to construct a single-family dwelling within a Flood Plain Overlay District.
Section of Zoning Bylaw:	<i>Town of Dedham Bylaw Section 8.1, 9.2, 9.3, and Table 2.</i>

Peter Zahka, Esquire was representing Mollie Moran, the applicant, on the video call. The relief that was being requested had already been asked and approved in 2015. He described the property.

The current request is for the same work described in the original Special Permit application in 2015. The same site plan which was resented in support of the original special permit, which is also the plan approved by conservation, is attached with this application. The building commissioner sought the advice of town counsel who ruled that, despite the work described above, it was not related to “house construction” and therefore, the original special permit and the extensions of that permit had expired, and a new special permit application needed to be filed.

The delays in starting work, as evidenced by the extensions of both the special permit and the conservation orders of condition, were needed as going forward with the project was and is significantly impacted by the Applicant's husband's health issues.

The property was under a P&S with the closing scheduled for the end of February. as per the terms of the P&S and as typical with real estate transfers, any unpaid real estate taxes will be paid at closing.

It is understood that the special permit will go with the land. the future owner is committed to adherence to the site plan filed with this application. It is also understood that any significant deviation from the site plan attached with this application will require a new special permit application.

The Chairman asked if there were any questions from the Board, or from the public.

George Panagopoulos asked what the dollar amount of taxes was owed on the property to the town. Ms. Moran answered it was about \$4000, about one year's worth of taxes. She only just learned that she should have asked for an abatement since it was being taxed as a single-family house. The attorney also mentioned that the applicant was very forthcoming and upfront with the Building Commissioner, and the Treasurer's office. He also stated again that at the closing the taxes would be paid.

There was one phone call from the public.

Bill Cullinane, 28 Boathouse Lane, asked about the size of the house. There had been two plot plans, so he wished to have the size clarified. 64 x 20 was the correct number, the attorney stated. Attorney Zahka explained that this is the exact same proposal as was seen in 2015. The size and impact on the flood plain would remain the same.

There were no further comments from the public.

Greg Jacobsen made a motion to approve the proposal as presented with the understanding that at the time of the transfer of this property the property taxes will be paid. The motion was seconded by Sara Rosenthal. A roll call vote was taken.

Greg Jacobsen – yes
Sara Rosenthal – yes
Tom Ryan – yes
Jason Mammone – yes
George Panagopolous – yes
Scott Steeves - yes

The motion passed unanimously, 6-0.

Old/New Business

The Chairman asked about possibly including language regarding property taxes on the Zoning Board of Appeals application. The Planning Director, Jeremy Rosenberger,

stated that he would need to look and see if it was legal for them to include that on the application before we did it. Greg Jacobsen asked him to speak to the Town of Natick regarding it, as he believed they had the stipulation of paying their property taxes on their application. Mr. Rosenberger will do that.

Greg Jacobsen made a motion to adjourn the meeting, and the motion was seconded by Tom Ryan. A roll call vote was taken.

Greg Jacobsen – yes
Sara Rosenthal – yes
Tom Ryan – yes
Jason Mammone – yes
George Panagopolous – yes
Scott Steeves - yes

The motion passed unanimously, 6-0.

The meeting adjourned at 8:56 pm.