

**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

Dedham Town Hall
450 Washington Street
Dedham, MA 02026-4458
Phone 781-751-9242
Fax 781-751-9225

ASSOCIATE MEMBERS

George Panagopoulos

Jeremy Rosenberger
Town Planner
jrosenberger@dedham-ma.gov

**ZONING BOARD OF APPEALS
MINUTES**

**Wednesday, April 21, 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

Not Present: George Panagopoulos, Associate Member

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

The meeting began at **7:00 pm** on the night of **Wednesday, April 21, 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, Tom Ryan

Chairman, Scott Steeves

Member Jason Mammone was expected to join the meeting at a later time.

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:

98 Quincy Ave

Applicant:	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>

The applicant had requested the application be moved to the May 19, 2021 meeting.

A motion was made by Greg Jacobsen to continue the application to the May 19, 2021 meeting. The motion was seconded by Sara Rosenthal and a roll call vote was taken.

Greg Jacobsen – yes
Sara Rosenthal – yes
Tom Ryan – yes
Scott Steeves – yes

The motion passed unanimously 4-0.

At this time, Jason Mammone entered the Zoom call.

63 Colonial Drive

Applicant:	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>

The applicant had requested the application be moved to the May 19, 2021 meeting.

A motion was made by Greg Jacobsen to continue the application to the May 19, 2021 meeting. The motion was seconded by Sara Rosenthal and a roll call vote was taken.

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

The motion passed unanimously 5-0.

As there were a number of raised hands from the attendee side of the Zoom call, the Chairman agreed to hear some members of the public.

Teri Mellen of 65 Colonial Drive asked about the continuance of the application. She thought that back in February when they had asked for a continuance that it would only be for 30 days. She felt it was unfair for the abutters who wished to speak on the application.

Angela Cerruti 4 Greenhood Street asked if it would be possible next month to ask for comments before the board votes to continue. Jeremy Rosenberger explained that it was common procedure not to take testimony from the public if an applicant asked to continue.

259 Washington Street

Applicant:	Recovery Centers of America
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.

The Chairman wished to talk input from the public. A motion was made by Greg Jacobsen to reopen the public hearing. Sara Rosenthal seconded the motion. A roll call vote was taken.

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

The motion passed unanimously 5-0.

The public hearing was now reopened to the public. The Chairman asked the applicant if they had anything new they would like to present. Attorney Susan DeBlasio thanked the board and explained that since at the last meeting the board had voted to unanimously close the public hearing, they had not prepared any new testimony or evidence. She stated, “

We strongly believe that Recovery Connections of America provided expert testimony by people who qualified as experts by evidence that was received as expert evidence and testimony that provided irrefutable evidence, evidence that was not refutable and was not refuted by any other evidence of equal weight, that they satisfied the petitioner satisfied every single one of the criteria for a special permit and in addition to specific criteria for a substance use treatment center. I will say that, we did note that there were pictures that were submitted by an abutter. And to provide some context for you we'll just say those pictures were of an administrative and billing office of the petitioner. And that is located at One North Main Street, Attleboro. And that the medical office that Recovery Connections of America has and where they see and treat patients in that area is located in a separate building entirely at Seven, North Main Street in Attleboro. So the pictures that were submitted to you by an abutter, have no relation really to this petition at all. And if

you were to take pictures of the medical office in Attleboro, they would show you a medical office, just like any medical office that you all attend, when you see your primary care provider, or somebody else. I'll also mention that we submitted a letter detailing the legal analysis to show that persons who are patients at Recovery Connections of America and would frequent this medical office on Washington Street are persons who are in recovery. And under the Americans with Disabilities Act they are considered to be disabled persons, substance use disorder under the Americans with Disabilities Act, which is a federal law that applies to many different venues and situations including governmental entities, and they are to be afforded reasonable accommodation. And we strongly believe that recovery connection of America provides reasonable access to treatment for people who are protected under the Americans with Disabilities Act in your community, and the act prohibits discrimination against those individuals."

The Chairman asked if there were any members of the public who wished to speak, and there were.

Stephen Rahavy, attorney at 18 Norfolk Street in Dedham, agreed with the attorney that the public hearing had been closed. He stated that he stands by his previous submission that this is an inappropriate use in that area, he had submitted a petition previously from commercial and residential abutters.

Christina Flynn, of 269 Washington Street, her parents own the Midway Restaurant. She does the social media for the restaurant, and she felt it was important to let the Board know that after the last meeting they received threatening letters from an employee in Providence of Recovery Connections. She said they reached out to the management and did receive an apology, a few business days later. She felt it was relevant to the application.

The Chairman then asked if there were members of the board who wished to speak on this application.

Tom Ryan asked about the hours of the operation. Attorney DeBlasio stated probably between 4:00 pm – 7:00 pm. She explained that the reason for this was because these were working people that wanted to come after work and this is the most likely time they will be available. A couple of days a week, 3 to 4 hours in the late evening. There is no present intent to open on the weekend. Maybe occasionally on a Saturday morning.

A motion was made by Jason Mammone to close the public hearing. The motion was seconded by Greg Jacobsen and a roll call vote was taken.

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

The public hearing was closed by a unanimous vote of 5-0.

A motion was made by Greg Jacobsen to approve the application. The motion was seconded by Tom Ryan. A roll call vote was taken:

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

The motion was denied 4-1.

325 East Street

Applicant:	Build Right Construction Group, LLC
Project Address:	325 East Street
Zoning District, Map/Lot:	Central Business Zoning District (CB), Map 93, Lot 21
Legal Notice:	Request for a Variance and/or Special Permits to demolish existing single-family dwelling and construct new single-family dwelling; proposed dwelling will continue pre-existing nonconforming lot frontage, area, lot width, front setback, side yard setbacks and exceed the maximum lot coverage.
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Sections 3.3, 9.2, 9.3 and Table 2.</i>

Kevin Hampe, Esquire of 411 Washington Street, Dedham, was representing the applicant. Mr. Rossetti was also on the video call.

Attorney Hampe explained that the applicant had been before the board previously with plans for a two-family house. The board had denied that application and as a result the applicant had redone his proposal. He was now before the board asking for Special Permit to construct a new single family in this location. The lot is nonconforming, and the existing house is in major disrepair. The new house would be further back on the lot line. The new structure would have a two-car garage to help remove any on street parking.

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

Joseph of 321 East Street felt that the entrance of the garages were going to be blocked. He also felt the more the house was pushed to the back the closer to his property line if

would be. The attorney stated that yes, the property was currently encroaching on the neighbor's property, but moving it back would help that, not make it worse.

There were no other members of the public who wished to speak.

Sara Rosenthal stated that on their map there was a big X over the third floor. Does that mean they are not proceeding with constructing the third floor? The answer was it was unoccupied due to the height, it would be for storage only.

The public hearing was closed.

A motion was made by Greg Jacobsen to approve the application. The motion was seconded by Sara Rosenthal, and a roll call vote was taken.

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

The motion passed unanimously 5-0.

53 Richards Street

Applicant:	Michael & Betsy Rivard
Project Address:	53 Richards Street
Zoning District, Map/Lot:	Single Residence B (SRB) Zoning District, Map/Lot 107-45
Legal Notice:	Request for a Variance and/or Special Permit for the expansion of pre-existing nonconforming front porch; proposed project would provide front yard setback of 14.2 ft. (25 ft. required) and left side yard setback of 8.3 ft. (10 ft. required).
Section of Zoning Bylaw:	<i>Town of Dedham Bylaws Section 3.3, 9.2, 9.3 and Table 2</i>

Michael Rivard was on the video call for the application. He explained that they wanted to expand the porch and provide a covered sitting area in the house. He said there were a couple of houses in the area that had this type of porch and it would be keeping in conformity with the abutting houses.

The Chairman asked if there was anyone from the public who wished to speak.

Elizabeth Murphy 87 Richards Street stated that they fully supported the project. Her husband also stated they had spoke with a number of the neighbors who also are in support of the project.

Jason Mammone asked if there had been a stamped plot plan included with the application as he did not see one in the online version. Jeremy Rosenberger, Planning Director stated that yes the application did include a stamped plot plan and was on file in the office. The plan was the same as what was being requested by the applicant.

The public hearing was closed.

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

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

The motion passed unanimously 5-0.

10 Carematrix Drive

Applicant:	Walden Behavioral Care, LLC
Project Address:	10 Carematrix Drive
Zoning District, Map/Lot:	Research Development & Office (RDO) Zoning District Map/Lot 164-6
Legal Notice:	Request for a Special Permit for two (2) temporary storage trailers on the northwestern end of the property.
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Section 3.2.1, 9.2 and 9.3. Representative Peter Zahka II, Esq.</i>

Peter Zahka, Esquire was on the video call for the applicant. With him on the call were Charles Rossignol, Vice President of Business Development and Contracting, also Curtis Gary, Assistant Vice President. He explained the applicant proposes to maintain two storage containers, which in Dedham are referred to as trailers measuring seven feet eight inches by 20 feet, and seven feet eight inches by 40 feet on the subject property for a period of 18 month. The purpose for these is for storing hospital and patient care equipment. The trailers were presently on site as the applicant considered them storage and was unaware that under the bylaws, they were considered trailers. It was the Building Commissioner for the town who brought to their attention that these were considered trailers and needed approval. They were asking them to stay there for 18 months. The hospital is presently operating at full capacity and only 87 parking spaces are being used.

The trailers would not impact parking. They are asking for the time period to start on May 1, 2021, which would be in accordance with the Planning Board vote that approved this.

The Chairman asked if there were any members of the public who wished to speak. There were none.

Tom Ryan asked why they needed 18 months. The answer was they were trying to arrange a place inside the building to store this equipment. It was not being moved to an off-site location which would have been quicker.

The public hearing was closed.

A motion was made by Sara Rosenthal to approve the application as presented. The motion was seconded by Greg Jacobsen. A roll call vote was taken.

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

The motion passed unanimously 5-0.

87 Border Street

Applicant:	Thomas Rowlings
Project Address:	87 Border Street
Zoning District, Map/Lot:	General Residence (GR) Zoning District Map/Lot 142-171
Legal Notice:	Request for Variances to construct a detached 2-car garage; proposed project would provide a side yard setback of 4 ft. (10ft. required) and space between buildings of 9 ft. (10 ft. required).
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Sections 3.3, 9.2, 9.3 and Table 2.</i>

Vice Chair Sara Rosenthal had stated that she would be recusing herself from voting on this application as she was an abutter to the property.

Mr. Thomas Rowlings was on the video call to represent his application. He explained the project to the Board. The additional space would allow for extra storage space as well as the vehicles.

The Chairman asked if there were any members of the public who wished to speak regarding this application, and there were.

Warren Child of 98 Bonham Road stated he did not understand how the hardship that the applicant was presenting was an actual hardship. Mr. Child did not feel there was a legitimate financial hardship. Although the resident was not an abutter to the property, he objected to the proposal. He then asked how many continuances an application could request.

The Chairman then mentioned that letters have been sent in opposition to the project, and some sent in support.

Mr. Rowlings then mentioned that Patricia Banes, who had sent a letter of recommendation, was the direct abutter who would be most affected by the project. He had also talked to a number of other residents that are direct abutters that were in support of his project.

Mr. Kelly, who was an abutter, had also sent an email in support of the project.

Jason Mammone mentioned that he had two sets of plans in his folder with different dimensions. He asked if the March 11, 2021 was the plan that should be followed. He also mentioned that the plan had not been stamped and he wished to confirm with Jeremy Rosenberger, Planning Director, that the stamped plan was in the office. Mr. Rosenberger confirmed that the March 11, 2021 was the correct plan to follow. He would also follow up to get a stamped copy of that plan, as it was a digital one that had not been stamped.

Mr. Mammone suggested that the applicant continue the hearing until the next meeting date in order to get additional support in writing from the neighbors who had not had time to write.

Mr. Rowlings agreed to continue the meeting. He also asked if there was a way to validate the resident letters that were received. He stated that one of the letters addresses was not correct, as he knew the owner of the house, had spoken to him, and no one named Eric Savage lived at that house. The department would look into it.

A motion was made by Gregory Jacobsen to continue the application until the May 19, 2021 meeting. The motion was seconded by Jason Mammone, and a roll call vote was taken.

Greg Jacobsen – yes
Jason Mammone – yes
Tom Ryan – yes
Scott Steeves – yes

The motion passed unanimously, 4-0, and the application will be continued to May 19, 2021 at 7:00 pm.

Minutes

A motion was made by Greg Jacobsen to approve the minutes of October 21, 2020, November 18, 2020, and December 16, 2020. The motion was seconded by Jason Mammone and a roll call vote was taken.

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

The motion passed unanimously, 5-0.

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

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

The motion passed unanimously, 5-0.

The meeting adjourned at 8:25 pm.